

By Mr. LEWIS of Maryland: Petition of the members of the Woman's Bible Class of Rockville, Md., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of the members of St. James Brethren Church, of St. James, Md., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of the members of St. James Sunday School, of St. James, Md., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. LONERGAN: Petitions of Joseph Litz and E. P. L. Schumm, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. METZ: Petitions of various voters of the tenth congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. MORIN: Petitions of sundry citizens of Pittsburgh, Philadelphia, Athens, and Allegheny County, the Chamber of Commerce of Pittsburgh, all in the State of Pennsylvania, and the Italian Chamber of Commerce of New York City, protesting against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Delaware County, Pa., sundry citizens and the Herron Avenue Presbyterian Church, of Pittsburgh, Pa., and citizens of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. PAIGE of Massachusetts: Petition of 247 citizens of West Brookfield, Mass., and sundry citizens of Fitchburg, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petitions of sundry citizens of New York, against national prohibition; to the Committee on Rules.

By Mr. PHELAN: Petitions of sundry citizens of Lynn, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. POST: Petition of the Church of God of Piqua, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Resolutions of the Humboldt Chamber of Commerce, of Eureka, Cal., asking that all antitrust legislation be put over until the next session of Congress; to the Committee on the Judiciary.

Also, letter from Excelsior Cereal Milling Co., of Los Angeles, Cal., relative to House bill 16675, amending the mixed-flour law; to the Committee on Ways and Means.

Also, letter from C. H. Plans, of Loomis, Cal., and F. J. Crittenden, of Truckee, Cal., favoring House bill 13305, to prevent cut rates; to the Committee on Interstate and Foreign Commerce.

Also, letters from J. R. Wells, of Long Beach, Cal.; Carl A. Anderson, of Paskenta, Cal.; and Lucile Forsyth, of Williams, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. TALBOTT of Maryland: Petitions of the Baltimore (Md.) Christian Endeavor Union and churches of Baltimore, representing 259 citizens, and sundry citizens of Taylorsville, Md., favoring national prohibition; to the Committee on Rules.

Also (by request), petition of sundry citizens of Maryland, against national prohibition; to the Committee on Rules.

By Mr. TAVENNER: Petition of the Shaw Music Co., of Aledo, Ill., favoring passage of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: Resolution from the Chamber of Commerce of Denver, Colo., praying for the passage of House bill 13921, for extension of time on payments of settlers under United States reclamation projects; to the Committee on Irrigation of Arid Lands.

Also, memorial of the Uncompahgre Valley Water Users' Association, of Montrose, Colo., urging the passage of Senate bill 4688, extending time for payment for settlers under United States reclamation projects; to the Committee on Irrigation of Arid Lands.

Also, petition of sundry citizens of New Raymer, Colo., favoring national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petition of the Woman's Home Missionary Society of Troy, N. Y., signed by the officers of the society, for the passage of the Hobson bill for the prohibition of the sale, manufacture, and importation of liquor; to the Committee on Rules.

By Mr. UNDERHILL: Petition of S. A. Meyer, of Elmira, N. Y., and Retail Liquor Dealers' Association of Howell, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of E. C. Dolbert and 15 other citizens of Delaware, Ohio, in favor of House joint resolution 168, relative to national prohibition; to the Committee on Rules.

By Mr. WINGO: Petition of Billie Klinger and others, of Fort Smith, Ark., protesting against national prohibition; to the Committee on Rules.

## SENATE.

TUESDAY, June 9, 1914.

(Continuation of the legislative day of Friday, June 5, 1914.)

The Senate met at 11 o'clock a. m. on the expiration of the recess.

The PRESIDING OFFICER (Mr. SWANSON in the chair). The Senate resumes the consideration of House bill 14385.

## PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. O'GORMAN and Mr. SMITH of Georgia. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	O'Gorman	Smith, S. C.
Borah	Hughes	Overman	Smoot
Brady	James	Owen	Sterling
Bristow	Johnson	Page	Sutherland
Bryan	Jones	Perkins	Swanson
Burton	Kenyon	Pittman	Thomas
Chamberlain	Kern	Ransdell	Thornton
Clapp	La Follette	Shafroth	Tillman
Colt	Lane	Sheppard	Townsend
Culberson	McCumber	Sherman	Vardaman
Cummins	McLean	Shields	Walsh
Dillingham	Martin, Va.	Simmons	West
Gallinger	Martine, N. J.	Smith, Ariz.	White
Goff	Nelson	Smith, Ga.	Works
Gronna	Norris	Smith, Mich.	

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Arkansas [Mr. CLARKE], the junior Senator from Arkansas [Mr. ROBINSON], and the Senator from Nebraska [Mr. HITCHCOCK], all of whom are paired. This announcement may stand for the day.

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum of the Senate is present. The Senator from Michigan [Mr. SMITH] is entitled to the floor.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from North Dakota?

Mr. SMITH of Michigan. Certainly.

Mr. GRONNA. Out of order I ask leave to introduce a bill.

Mr. JONES. Mr. President, I desire to offer and have considered as pending, and that it be printed and lie on the table, an amendment to the text of the committee amendment. I ask that it may be read.

Mr. BRYAN. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Florida will state his point of order.

Mr. BRYAN. It is against the rule of the Senate to offer a resolution or bill while a Senator has the floor, and it is the duty of the Chair to enforce this rule. The rule makes it the duty of the Chair to enforce it without a point of order being raised.

Mr. JONES. This is an amendment to the pending bill.

Mr. BRYAN. But the Senator from Michigan has the floor and is addressing the Senate.

The PRESIDING OFFICER. It is the rule of the Senate that a Senator upon the floor can not be interrupted when making his address, and it is the duty of the Chair to enforce the rule if it is insisted upon. The Senator from Michigan will proceed.

Mr. SMITH of Michigan. Mr. President, I referred yesterday to the attitude of Great Britain toward the Spanish possessions in this hemisphere with some detail. I presume that Mr. Clayton, who was in the Senate in 1854, knew something about those relations, and I desire to read from his speech on January 3 some quotations bearing upon that question. Senator Clayton said:

It is said by the Earl of Clarendon that Great Britain intends "religiously" to observe the stipulations of the treaty—

That is, the treaty with Spain over her possessions in this hemisphere—

Yes, sir; "religiously"—that is the word. By the second article of the treaty of Versailles of the 3d of September, 1783, it was provided that the two parties to it should "exactly and religiously" observe all of the provisions of all former treaties and, among the rest, of the treaty of Paris of 1673. The object of the seventeenth article of said last treaty was to prevent the British from occupying this very country about which we are now debating. They obligated themselves "religiously and exactly"—such are the words—to observe that treaty. It is interesting to look back at the history of the negotiations attend-

ing the treaty of 1873 and the conduct of Great Britain afterwards, to see how "religiously and exactly" those stipulations were observed.

Lord John Russell has within the last year published the correspondence of Charles James Fox, who was the British premier at the time of the negotiation of the treaty of Versailles by the Duke of Manchester. By looking into the second volume of that correspondence the minutes of the cabinet, to which the treaty of 1783 was referred, will be found. It will there be seen that the British cabinet were recommended that the sixth Spanish article, as it was called—that is, the sixth article of that treaty—should be deferred for six months, and that the rest of the treaty should be signed by the negotiators. That article was the one which bound Great Britain not to occupy or hold any part of the Spanish continent embracing, as was understood, what we now call Central America and the Mosquito coast. Mr. Fox, as will be found by looking at the volume to which I have referred, immediately wrote to the King (on the 18th of July, 1783), stating:

"There has been a great deal of discussion upon this matter; but it appearing to be still in our power to put our own interpretation upon the words 'Continent Espagnol' and to determine upon prudential considerations whether the Mosquito shore comes under that description or not, it was the opinion of Your Majesty's confidential servants present (except Lord Stormont) that the desirableness of getting the treaty signed ought to prevail."

Senator Clayton continued:

Remark, sir, they were to determine the meaning of the treaty by prudential considerations only. Lord Russell says Fox was a statesman who never would condescend to an intrigue, and never would betray a principle.

It was soon found by the Spaniards that the considerations which were to govern the construction of that treaty were not the "religious views" of the case, but the "prudential considerations." "If from prudential considerations hereafter," says Mr. Fox, in effect, "we should see fit to construe the words 'Spanish continent' to mean something entirely different from what the Spaniards understood them to mean in the making of the treaty, we shall be at liberty to do so." This was the mental reservation made by one of the most fair and ingenious of British statesmen at the time of negotiating an important treaty. The King wrote back, saying, in effect, that "it was a very untoward circumstance that a definitive treaty could not be made without leaving clear ground for fresh disputes."

Mr. President, even the English King sickened of the duplicity of his foreign office.

Sir and Senators, this treaty that we have before us to-day is the third attempt upon the part of Great Britain to unify America and Great Britain in this great project in Central America and at Panama. Every time our countrymen have broached with seriousness the question of the construction of a canal across the Isthmus, for prudential considerations Great Britain reasserted her undisguised interest in her pretended possessions in Central America. Again and again did she manifest her intention, at least to Spain, to withdraw from this attempt to acquire territory against her specified promise not to do so, and again and again did she reassert it whenever she found it necessary to participate in any negotiation looking toward concessionary rights from any Central American State regarding a canal. At last she encountered a perfect hurricane of American public opinion. Again and again did Mr. Lowell, at the instance of Secretary Blaine, call the attention of the British foreign office to the intention of our countrymen to construct a canal across Nicaragua or the Isthmus of Panama which should constitute a part of the American coast line.

I said yesterday that President Arthur undertook to compose these differences by striking straight from the shoulder at the delay and annoyance suffered by this country as a result of treaty engagements which certain distinguished gentlemen of our own country were from time to time insisting still had vitality and life.

President Arthur directed Mr. Frelinghuysen to enter into a treaty with Nicaragua. That treaty was made in 1884. It was called the Frelinghuysen-Zavalla treaty. It provided that the canal should be built by the United States of America and owned by it and the Republic of Nicaragua, and managed as hereinafter provided.

Article 2 said that there shall be an alliance between the United States of America and the Republic of Nicaragua, and the former agreed to protect the integrity of the territory of the latter.

It has been said that the ratification of that treaty would have perhaps established the American status in Central America much earlier than the present Hay-Pauncefote treaty could have possibly done, and I am quite ready to believe it. It failed, however, of ratification because Mr. Cleveland's election changed the political complexion of the Government, and it was thought that he could with greater propriety deal with that situation than could the outgoing administration.

What followed the Frelinghuysen-Zavalla undertaking? Why, Mr. President, this act passed by the House of Representatives on the 2d day of May, 1900, followed the negotiations of President Arthur, and it had great significance. It had a direct object in view and went after it with a determination and a relentlessness that struck terror to those communities that had relied for perpetual rights across the Isthmus upon our laxity. I think I ought to have that act printed in the Record as a part of my remarks, because there is not a line or a syllable in it

which recognizes the Clayton-Bulwer treaty. Every line of that act is repugnant to the first Hay-Pauncefote treaty, made practically coincident with the passage of this bill.

There was a very spirited debate in the House of Representatives when this measure was before the House. I remember distinctly. The Senator from Virginia, now occupying the chair [Mr. SWANSON], also remembers that debate very distinctly, for he, too, was then a Member of the House of Representatives and one of the men who voted for the passage of this Nicaraguan bill.

I am going to read this act, because I want it officially certified. It is not an ordinary bill. It was read twice and referred to the Committee on Inter-oceanic Canals of the Senate, a committee whose members were familiar with this proposition. I think the late Senator from Alabama, Mr. Morgan, was an influential member and favored its passage. The bill reads:

*Be it enacted, etc.,* That the President of the United States be, and is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and protect a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Breto, on the Pacific Ocean; and such sum as may be necessary to secure such control is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

SEC. 2. That when the President has secured full control over the territory in section 1 referred to, he shall direct the Secretary of War to excavate and construct a canal and waterway from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Breto, on the Pacific Ocean. Such canal shall be of such capacity and depth that it may be used by vessels of the largest tonnage and greatest depth now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing from Greytown to Breto; and the Secretary of War shall also construct such safe and commodious harbors at the terminal of said canal and such provisions for defense as may be necessary for the safety and protection of said canal and harbors.

SEC. 3. That the President shall cause such surveys as may be necessary for said canal and harbors, and in the constructing of the same employ such persons as he may deem necessary.

SEC. 4. That in the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That in any negotiations with the States of Nicaragua and Costa Rica the President may have, the President is authorized to guarantee to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

SEC. 6. That the sum of \$10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated; and the Secretary of War is further hereby authorized to enter into a contract or contracts for materials and work that may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, to be paid for as appropriations may from time to time be hereafter made, not to exceed in the aggregate \$140,000,000.

Passed the House of Representatives May 2, 1900.

Attest:

A. McDOWELL, Clerk.  
By WILLIAM J. BROWNING, Chief Clerk.

Senators, there is not a line or a syllable or a sentence of that bill which recognizes any treaty right upon the part of Great Britain, and the Clayton-Bulwer treaty dealt directly with Nicaragua. Senators now seem unusually scrupulous over the rights of Great Britain, when they should be excessively virile over the defense of American rights.

The Senator from Mississippi [Mr. WILLIAMS], then a Member of the House, made a few remarks about it, and if he was very solicitous about our treaty obligations at that time his remarks fail to disclose it.

The Senator from Nevada [Mr. NEWLANDS], usually exceedingly scrupulous, then said:

In reply to the suggestion of the gentleman from Ohio [Mr. BURTON] that we are proceeding with undue haste in this matter; that so formidable are the interests that are arrayed and have been for years arrayed against this measure; so strong is the caution and fear of many statesmen; so strong is the opposition of those who object to Government participation in an enterprise of this kind; so formidable is the moral argument that is presented to us with reference to the restraining effect which it is claimed that the Clayton-Bulwer treaty should have on our action—if all these sources of opposition are united against this measure, it will be delayed and possibly defeated.

He said further:

A certain amount of brute force is required in order to put this bill into the legislative hopper.

"A certain amount of brute force," and he was willing to be one of the—

Mr. BRISTOW. Brutes. [Laughter.]

Mr. SMITH of Michigan. Well, I will not say that, but he was willing, at least, not to stay the brutish instinct, if there was such a thing in his nature.

Mr. BURTON. Who said that?

Mr. SMITH of Michigan. The distinguished, erudite, able, and conscientious Senator from Nevada [Mr. NEWLANDS].

Now, think of it—and I want my friend from Oklahoma [Mr. OWEN], who seems to be busily engaged on the other side of



the Chamber, to consider for a moment what would have happened if the doctrine which he urged last Saturday had been effective. Why, sir, this bill would have been passed in the Senate in 20 minutes, just as he always expects to pass bills perfected by himself, without discussion; and yet, note the mellowing effect of time.

Oh, no, Mr. President; I can never agree, so long as I am a Member of this body, to any snap judgment on the measures brought here for our consideration. Delay in this matter has almost composed the differences dividing the other side of the Chamber; and if we can compose the differences on the other side of the Chamber by discussion and delay, we may prevent the country from blundering, as is the natural habit of the other side whenever it has freedom of action. [Laughter.]

My friend from Mississippi [Mr. WILLIAMS], who does not seem to be here at this moment, looked this record over yesterday with some care after I had called his attention to it, and said to me last night, "You have got the history of that bill mixed." "No," I said, "I have not got it mixed; you have got your record mixed. To be sure, I did not vote for the bill, because I was paired with a Democrat from South Carolina, but I would have voted for it if I had been permitted to vote that day." I cheered as loudly as I could the speeches of JOHN SHARP WILLIAMS and Senator NEWLANDS and Senator SHAFROTH and thus gave them my moral support.

Do you remember where Representative Cooney was from?

Mr. BURTON. I forget.

Mr. SMITH of Michigan. Somewhere in the South; I think Missouri. Mr. Cooney was a very able man—

Mr. BRANDEGEE. A Frenchman?

Mr. SMITH of Michigan. No; I think he was not a Frenchman. I think some of his ancestors were born in Ireland and some in Connecticut. [Laughter.] That is my recollection. Mr. Cooney tried to solve that situation, which was very perplexing to our friends who opposed such drastic and sudden action upon the part of this Government. Mr. Cooney said in that debate:

I have never witnessed in this House or elsewhere so remarkable an exhibition of logic as has accompanied the discussion of this bill. I have never seen a measure denounced by so many men who declare they will vote for it.

[Laughter.]

Why, history repeats itself. The proposition we are now considering has been denounced by everybody, and yet a few men who have evidently received their orders propose to cast their votes for a measure they do not approve.

Said Mr. Cooney:

The undertaking is new and foreign to the usual functions of government. It proposes the expenditure of vast sums upon an improvement in a foreign country and a necessary subtraction from the appropriations for improvements in our own country, where, in many places, trade and commerce are dead and lie languishing and people are being daily impoverished, and where, by the generous assistance of the Government, more trade and commerce and wealth would be built up than can ever be realized by the United States from any isthmian canal.

I partake of the feeling indulged in by all Americans that an isthmian canal should be built, owned, and operated by the Government of the United States independently of any European power. That is one reason why I am opposed to this bill.

Mr. President, that is fine logic. He opposes a bill which authorizes the construction of an American canal under the American Government with American money because he wants a canal owned by the Government constructed by American money and built by American genius!

Senators, let me quote further from Mr. Cooney:

It is made to masquerade in the highly wrought colors of a manufactured patriotism, for the moment, to facilitate its passage through this House; but when it returns from Senate, through the washtub of the conference committee, its color will be faded into harmony with every line of the Hay-Pauncefote treaty.

What Hay-Pauncefote treaty is that? He wants the color of this legislation to fade into every line of the Hay-Pauncefote treaty. What Hay-Pauncefote treaty? The first one, to which no reference has been made by any Senator upon this floor? He wants the washtub of the conference committee to fade every line of the House bill into the Hay-Pauncefote treaty which was made in February, 1900. That is the treaty about which they were talking, and it is a treaty to which the Senator from New York [Mr. ROOT] never referred in his masterful address. He did not even dignify it by letting us know that such a proposition ever had been presented to the Senate. Yet the senior Senator from New York sat at the Cabinet table where it was approved, and if such leadership had been permitted to prevail, the Senate of the United States would have ratified the first Hay-Pauncefote treaty, sealing a perpetual partnership with Great Britain in regard to the canal, with no right to fortify or to defend it. Who is there here now who would vote to ratify that treaty? And yet Mr. Cooney—I suppose one of the followers of our honored friend from Ohio—said that

when this bill came from the washtub of the conference committee its color would be faded into harmony with every line of that treaty.

Mr. Cooney also says:

That treaty has been vigorously condemned by the American people.

Why, Mr. President, has it? Why, I am amazed that that treaty was condemned by the American people. You do not mean to tell me that there was any treaty with England concerning a canal across the Isthmus of Panama that was ever condemned by the American people! Why, we have heard nothing about it during the debate. Nobody has refreshed our recollections regarding it. If it was condemned by the American people, then the State Department must have been put upon notice that there should be no more trifling about the ownership or control and operation of the canal across the Isthmus.

Is not that a fair conclusion? Is not that the atmosphere in which the treaty now before us was perfected and considered? Surely. When Mr. Cooney, a Missouri Democrat, admits it, why go further? [Laughter.]

That treaty has been vigorously condemned by the American people—

Says Mr. Cooney—

It was put to sleep in the Senate by popular indignation.

Where is my honored friend [Mr. ROOT], the great Senator from New York? I should like to ask him—and I say it with the greatest respect, for he has no more ardent admirer in this Chamber than the Senator from Michigan—if the first Hay-Pauncefote treaty was put to death in the Senate of the United States with his consent?

Mr. ROOT. Mr. President, the Senator from New York did approve its death; and it was put to death because it excluded the United States from that political and military control which is given to it by the second and existing Hay-Pauncefote treaty, without one word in negotiation, in correspondence, or in agreement to change the rights of all the world to equal treatment in regard to the charging of tolls.

Mr. SMITH of Michigan. I am glad to hear that statement from the Senator from New York. He is usually very frank.

Mr. LEWIS and Mr. OWEN addressed the Chair.

Mr. SMITH of Michigan. He is exceptionally able; I greatly admire him; but I should like to inquire when this hostility to the first Hay-Pauncefote treaty was suggested by the Senator from New York? Whether he opposed it at the meetings of the Cabinet, of which he was a member? And whether Mr. Hay submitted it to the Senate in spite of the protests of the Secretary of War, now the honored Senator from New York?

Mr. ROOT. No, Mr. President; the attention of the Senator from New York was called to the subject first by the discussion which arose upon the Hay-Pauncefote treaty. Up to that time the Senator from New York had not read or seen the first Hay-Pauncefote treaty.

Mr. SMITH of Michigan. And knew nothing of the negotiations?

Mr. ROOT. No; nothing about it.

Mr. SMITH of Michigan. Then when I make the statement that it was largely the product of John Hay's labors, am I correct?

Mr. ROOT. Of course.

Mr. SMITH of Michigan. I am very glad to know that the Senator from New York, who was an influential member of the Cabinet and sat about the table with the lamented Mr. Hay, had no part in that performance, so universally condemned throughout the country. But I marvel that he could be strait-jacketed so soon again by the same agents and not know it, and that we are still struggling to be free without the help of the great Senator from New York.

I regret that the morning papers say that I said anything unkind about the Senator from New York. I knew the Senator from New York before he entered public life; I knew how ideally he was equipped for public service; I have felt an honest pride in his brilliant career; and I rejoice that we can know from his lips that one member of the Cabinet of Mr. McKinley did not give consideration to the first Hay-Pauncefote treaty.

Mr. ROOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New York?

Mr. SMITH of Michigan. Certainly.

Mr. ROOT. The Senator will permit me to say that if I had known I was going to run into so many compliments when I casually entered the Chamber a moment ago I would have stayed out. Let me say also that I feel so great a confidence in the friendship of the Senator from Michigan that I never would think for one moment of his saying anything unkind about me.

Mr. SMITH of Michigan. No.



Mr. ROOT. And if he did say anything which to others appeared unkind, I should know he did not mean it.

Mr. SMITH of Michigan. No; I would not say anything unkind about the Senator.

Mr. LEWIS. Mr. President, will the Senator from Michigan yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. SMITH of Michigan. I have not finished with the Senator from New York—

Mr. LEWIS. Will the Senator yield to me for a moment to enable me to ask the Senator from New York a question?

Mr. SMITH of Michigan. Can not my friend from Illinois restrain himself a moment?

Mr. LEWIS. Oh, unquestionably; but, Mr. President, in the presence of the mendacious constructions of the Senator from Michigan no justice-loving man can restrain himself from an expression of indignation.

The PRESIDING OFFICER. The Senator from Michigan has the floor, and can not be interrupted without his consent.

Mr. SMITH of Michigan. I wish to reply to the Senator from New York, and then I will cheerfully yield to the Senator from Illinois, for whom I have the highest respect and who is numbered among my warmest friends here.

What I desire to say in the presence of the Senator from New York is this, that the first Hay-Pauncefote treaty, according to prominent Members of the House of Representatives, was driven out of the Senate by the overwhelming indignation of the American people. I know it was charged at the time that an effort was being made to bring about an alliance between Great Britain and the United States. In such an atmosphere American rights should have been made plain. I think our interests were properly safeguarded. The Senator from New York still feels that we have undefined obligations to perform, and entirely out of harmony with the spirit of that time.

This is the third treaty in regard to which I have disagreed with the Senator from New York. I found him arrayed against my attempt to limit the use of the waters of the St. Marys River to the line fixed by the Webster and Ashburton treaty, and disagreed radically with his views, which were far more satisfactory to Canadians than to the people of Michigan, whom I represent—

Mr. LEWIS. Mr. President—

Mr. SMITH of Michigan. Then I found myself in opposition to him on the fisheries convention, when Mr. David Starr Jordan, representing this Government, has seen fit, in his treaty with Great Britain, to exempt Georgian Bay, an arm of Lake Huron, from the operation of the regulations, while including Saginaw Bay, another arm of Lake Huron. I found my honored friend quite willing to exempt Georgian Bay, and very loath to permit me to have Saginaw Bay exempted. I can not exactly understand the viewpoint of one who seems to be so intensely American, and at the same time so generous with Mother England.

I now yield with pleasure to the Senator from Illinois.

Mr. LEWIS. Mr. President, I desired to put to the Senator from New York a query that would lead to information. I should now like to ask the Senator if he will inform me who it was who negotiated the treaty which, as he says, so omitted protection to the United States in the particular respects which he has outlined, and who were the parties who prepared that document and consummated it?

Mr. ROOT. Mr. President, I will gladly give to the Senator from Illinois any information I have, but I do not quite know what treaty he is talking about.

Mr. LEWIS. I refer to the particular provision that the Senator from New York said omitted the necessary protection to the United States in such manner that he himself was compelled to take such steps as the Senator from Michigan had previously criticized.

Mr. ROOT. I do not recognize the theater of action at all. I took no steps about any treaty.

Mr. LEWIS. I understood the Senator from New York to say, in response to a criticism on the part of the able Senator from Michigan, that the reason the Senator from New York had taken certain steps and assumed certain positions respecting a certain document was because that document had omitted to provide for a form of military defense and proper guardianship of the rights of the United States; and I understood that the Senator referred then to the original treaty, or the treaty designated as the first Hay-Pauncefote treaty.

Mr. ROOT. Mr. President, I think the Senator from Illinois misapprehended the colloquy.

Mr. LEWIS. That is rather likely. I may have done so.

Mr. ROOT. The Senator from New York took no steps whatever about either treaty. The Senator from Michigan asked the Senator from New York whether he approved the putting to death of the first Hay-Pauncefote treaty, and the Senator from New York responded that he did.

Mr. LEWIS. The Senator from Illinois is seeking from the Senator from New York to know who prepared the particular document to which the Senator from New York alluded, in response to the Senator from Michigan, that the document had not provided sufficient military defenses and guardianship for the United States. To what document did the Senator from New York allude?

Mr. ROOT. The Senator from New York alluded to what is called the first Hay-Pauncefote treaty.

Mr. LEWIS. Now, then, may I ask the Senator from New York who it was who prepared that particular document and consummated it in behalf of the Government?

Mr. ROOT. It appears upon the face of the treaty. It was negotiated by the Secretary of State, at that time John Hay.

Mr. LEWIS. I thank the Senator from New York.

Mr. SMITH of Michigan. Has the Senator from Illinois finished?

Mr. LEWIS. Yes.

Mr. SMITH of Michigan. There is not a Senator in this Chamber, including the distinguished Senator from New York, who would vote to ratify the first Hay-Pauncefote treaty if it were pending here to-day.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. SMITH of Michigan. Certainly.

Mr. OWEN. Will the Senator from Michigan permit me to call his attention to the circumstance that in the draft of the first Hay-Pauncefote treaty describing all nations who were to use the canal on terms of perfect equality the words "observing these rules" did not appear, although they were inserted in the second Hay-Pauncefote treaty?

Mr. SMITH of Michigan. Yes.

Mr. OWEN. And when the first draft of the Hay-Pauncefote treaty was accepted by the Senate it was accepted by the Senate of the United States as drafted by the Secretary of State, and agreed to practically by all the authorities of the United States with no limitation upon the words "all nations." So the term "all nations" in the first draft of that treaty confessedly included the United States.

Mr. SMITH of Michigan. Now, Mr. President, I want to return to Mr. Cooney.

Mr. NEWLANDS. Who is Mr. Cooney, may I ask the Senator from Michigan?

Mr. SMITH of Michigan. You must look back over the records of your party associates.

Mr. LEWIS. There is no record of fame or glory that I can recall of my party which indicates the name Cooney.

Mr. SMITH of Michigan. The Senator from Illinois certainly ought to know him. He was in the House of Representatives, a distinguished Member from Missouri.

Mr. LEWIS. Among those I regret that I have lost that name.

Mr. SMITH of Michigan. Listen. This is what he says—

Mr. LEWIS. I can not accept the wisdom of a Member so unknown to me.

Mr. GALLINGER. Mr. President, I rise to a point of order.

Mr. LEWIS. I yield for the point of order.

Mr. GALLINGER. There is a rule of this body which is well known to us, and I think it ought to be observed.

Mr. SMITH of Michigan. Here is what Mr. Cooney says, speaking about the Nicaragua bill:

There is a general opinion throughout the country that the treaty known as the Clayton-Bulwer treaty is as dead as Hector and that somehow Blaine was the Achilles that slew it and dragged it to pieces at his chariot wheels.

Mr. Cooney had an art in portraying his inmost emotions that has been rarely excelled.

Mr. LEWIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois rises to a parliamentary inquiry. He will state it.

Mr. LEWIS. I am only anxious to know to what the Senator from New Hampshire [Mr. GALLINGER] alluded when he spoke of a general rule. If the Senator from Michigan will yield to me, I desire to know it and to avail myself of it. In what way am I impinging upon a rule? I am anxious to know.

Mr. GALLINGER. I had reference to the rule which requires that no Senator shall interrupt another during debate unless he addresses the Chair and obtains permission.



Mr. SMITH of Michigan. Why suspend this illustrious American in the air while parliamentary questions are being discussed?

Mr. GALLINGER. I think the parliamentary question which was made ought to be settled. I have no disposition to interfere with the procedure of the Senate in any way, except that unless Senators do get permission from the Chair before interrupting a Senator on the floor we will have a condition of things here which will not be to our credit.

The PRESIDING OFFICER. The Senator from New Hampshire has well stated the rule. A Senator must address the Chair and get permission, through the Chair, of the Senator who is entitled to the floor.

Mr. LEWIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. SMITH of Michigan. Certainly.

Mr. LEWIS. I only desire to say, through the Chair, that there had been no ignorance of the rule or ignoring it on my part. The Senator from Michigan had yielded to me, and, therefore, I think the suggestion of the Senator from New Hampshire was irrelevant.

Mr. SMITH of Michigan. I find no fault with the inquiry of the Senator from Illinois.

My honored friend from Ohio [Mr. BURTON], sitting by my side, did not believe the Clayton-Bulwer treaty was dead. His course is always consistent; his vote usually stands out almost alone as a shining example of personal and official integrity, and I honor him for it.

But the House of Representatives considered that treaty dead. The House of Representatives considered the treaty made by Mr. Hay and Mr. Pauncefote in February, 1900, an affront and promptly answered it. Do not get the impression that that answer did not find its way into the British foreign office. Do not imagine for one moment that the British foreign office was unmindful of the attitude of the American people regarding a canal across the Isthmus or even through the Republic of Nicaragua. The truth is that that bill and the vote in the House of Representatives went like magic to the Court of St. James, and they immediately recast their position lest they should be left out in the cold altogether.

I admired John Hay as much as the Senator from New York could have admired him—a sweet-tempered, able, manly man, kindly, refined, sympathetic, unpretentious, modest, faithful. I join with the great Senator from New York in commending his simple virtues. But, Mr. President, he had just returned from the Court of St. James. He had just come out of the atmosphere of British officialdom. He had not been at home for some time when that first treaty was made, and coming home he did not realize the tremendous importance of reflecting the American attitude in whatever was done regarding this canal. He tried his first plan of joint ownership with England in the canal and failed. The first Hay-Pauncefote treaty did not repeal or rescind the Clayton-Bulwer treaty. It gave Great Britain the right to join with the United States in making rules for its operation and control, and it forbade us to fortify or defend it.

The Senator from Massachusetts [Mr. LODGE] brought the first treaty in here. I do not know now whether he approved it or not. It does not seem possible that he could have approved it, because it is so completely out of harmony with all he has said in this body that I can not believe that that treaty met with his approval. I do not believe it would have ever seen this Senate floor if the Senator from Massachusetts had not been convinced that the amendments to be proposed to it would be adopted by his colleagues. If I am wrong about that I should like the Senator from Massachusetts to set me right. I do not believe he was ever consulted about it at all, although he was the ranking member of the Committee on Foreign Relations then as now. I have too much confidence in his genuine Americanism to believe that he would consent to a surrender of our rights in the treaty now before us.

Secretary Hay said in transmitting the treaty to the Senate:

The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of construction is to be borne by the United States alone. When constructed it is to be exclusively the property of the United States and is to be managed, controlled, and defended by it. Under these circumstances and considering that won by the new treaty, Great Britain is relieved of all responsibility and burden of maintaining its neutrality and security. It was thought fair to omit the prohibition that no fortifications should be erected commanding the canal or the waters adjacent.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. SMITH of Michigan. I yield.

Mr. LODGE. The Senator referred to me in connection with the first Hay-Pauncefote treaty. At that time the Senator from Minnesota, Mr. Davis, was chairman of the Committee on Foreign Relations. He was one of the ablest chairmen that committee ever had. Mr. Hay, some time before the making of the treaty, asked Senator Davis and myself if we did not think it was desirable to supersede the Clayton-Bulwer treaty and get rid of it by an agreement with England. We told him that we did think so. Of course everyone thought that it was most desirable to get rid of that obstacle to the building of the canal. We were not consulted any further in regard to it.

When the treaty appeared in its completed form it contained provisions to which neither Senator Davis nor I could assent; and the amendments which were reported out of the Foreign Relations Committee were intended to cure what we believed to be the defects of the treaty. One, as the Senator remembers, was the insertion of the words "is hereby superseded." It was a very vital amendment, indeed. Another was striking out the invitation of other powers to guarantee. We made three changes, I think, altogether on the recommendation of the committee.

When those amendments had been made, we ratified the treaty. I thought it was safe. We were not consulted as to the details of the treaty at all; merely as to the general question whether it would not be desirable to get rid of the Clayton-Bulwer treaty, and, of course, everybody thought so.

Mr. SMITH of Michigan. Let me ask the Senator if he is willing to answer whether he would have voted an appropriation for the construction of the canal across the Isthmus at Panama under the interpretation of our rights now given by the President of the United States?

Mr. LODGE. Mr. President, I do not understand exactly what the Senator means.

Mr. SMITH of Michigan. I mean, would the Senator have voted to build this canal if he had known what the attitude of the present President of the United States would be with reference to our rights therein, and that attitude was to be affirmed by his party associates here?

Mr. LODGE. I could not possibly have anticipated what any President thought. I should have voted appropriations to build the canal, even if my construction of our rights under the treaty had been disputed.

Mr. SMITH of Michigan. The Senator would not have voted for an appropriation to build the canal under the Clayton-Bulwer treaty?

Mr. LODGE. Certainly not.

Mr. SMITH of Michigan. And he certainly would not have voted to build the canal under the original draft of the Hay-Pauncefote treaty?

Mr. LODGE. You mean, as unamended by the Senate?

Mr. SMITH of Michigan. Yes.

Mr. LODGE. No; I think not.

Mr. SMITH of Michigan. I am glad to have the Senator say that, because I know that I voted for the first money that was appropriated for the construction of this canal, and I would not have voted a dollar for it on any other theory than that the United States was building it, was to control it, and that it was to be a part of our coast line. I would not have voted a dollar for it otherwise. I am glad to know that the Senator from Massachusetts takes that view.

Mr. LODGE. I do not take precisely that view, because I should have voted to build the canal even if we had not reserved the right of discrimination.

Mr. SMITH of Michigan. On the theory that any differences might be arbitrated later?

Mr. LODGE. No; I mean that if it were unquestionably not ours to discriminate, if we had agreed specifically in so many words that we would not discriminate in favor of our own ships.

Mr. SMITH of Michigan. I am obliged to the Senator.

Mr. LODGE. That would not have prevented me desiring the construction of the canal.

Mr. SMITH of Michigan. Oh, there has been a desire ever since the American Government was formed to build such a canal; there has been a desire upon the part of thinkers and students and poets and dreamers for 500 years to build a canal across the Isthmus.

Mr. WEST. Mr. President—

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Michigan yield to the Senator from Georgia?

Mr. SMITH of Michigan. Certainly.

Mr. WEST. Suppose this canal had been constructed by a stock company; in what way would the Government have se-



cured to the ships of its own citizens free passage through the canal?

Mr. SMITH of Michigan. Mr. President, I think the Government would have had some difficulty in appropriating private property without due process of law and without proper compensation; but that question does not arise. When we were talking about the canal being constructed by private individuals, by a private corporation, of course the Government was merely a friendly suzerain; we were not dominant, and exercised no sovereignty there; this has been true during all the years of the Panama Railroad. Great Britain has not asked to share in the management of the Panama Railroad, and I do not think she would ever have asked to share in the management of this canal had it not been for the overweening ambition of her fair daughter to the north of us, who seems to have awakened the quickening spirit of conquest in the mother country.

Mr. WEST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan further yield to the Senator from Georgia?

Mr. SMITH of Michigan. Certainly.

Mr. WEST. Is it not a fact that England exercised a protectorate over Egypt and territory in that section? Is it not a fact that the Suez Canal was built by a stock company and that the ships of every nation that pass through there pay tolls?

Mr. SMITH of Michigan. Egypt is a semisovereign State under the suzerainty of the Ottoman Porte. The Khedive is hereditary ruler and receives his investiture from the Sultan of Turkey, but its affairs are practically administered by Great Britain. After private parties had gone down into their pockets and put up the money to build the Suez Canal, Great Britain, with her usual foresight and acquisitiveness, got possession of \$20,000,000 worth of that stock—about 176,000 shares—upon which a dividend of upward of 35 per cent per annum is annually earned. If, out of these profits, she chooses to give back to her vessels passing through the Suez Canal the tolls they pay, she evidently thinks it is a good investment. The Suez Canal is 103 miles long. It cost a little over \$126,000,000. In 1911 more than 4,500 vessels passed through it, with an aggregate tonnage of 16,581,898 net tons, for which service the canal company received \$25,168,400. The tolls charged are higher than at Panama and the service not as good. It takes 17 hours to pass through the Suez Canal, while it will require less than 12 hours to pass through Panama. Their canal is 28 feet deep, while ours has a depth of 41 feet and is but 54 miles in length. The distance saved from New York to Pacific ports of North America is about 8,000 miles through the Panama Canal.

Mr. SUTHERLAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Utah?

Mr. SMITH of Michigan. Certainly.

Mr. SUTHERLAND. The question propounded to the Senator from Michigan by the Senator from Georgia [Mr. West], as I understand, is how the United States would be able to get its ships of commerce through free of tolls if this canal had been built and was owned by a private company. Is there the slightest doubt that the United States Government could have paid the tolls for the ships of its citizens, that it could have delivered the money out of its Treasury into the hands of the owners of those ships, and that that money could have been paid to the owners of the canal for transporting the ships through the canal?

Mr. SMITH of Michigan. There is no doubt about that at all.

Mr. SUTHERLAND. Now, if that be true, how is the situation of the United States altered in that respect when the United States itself becomes the owner of the canal? If it may pay the tolls in advance for the ships of its own citizens going through the canal when the canal is owned by a private company, is there any reason why it may not pay the tolls of the ships of its citizens when the Government itself owns the canal? That being so, is there any difference in principle between the United States advancing the money in the first instance to the owners of these ships so that they may return the money to the United States in payment of the tolls and relieving them from the payment of the tolls in the beginning? Is there any difference in substance between those two cases?

Mr. SMITH of Michigan. I see no difference, Mr. President.

Mr. SUTHERLAND. If there is any difference, I should like somebody to point it out.

Mr. SMITH of Michigan. I see no difference. The Senator from Utah is exactly correct; we have no engagement which would interfere with that course. Does the Senator from Utah believe that under the Clayton-Bulwer treaty our Government was precluded from building a canal across the Isthmus of Panama in its own way, and without the consent of Great Britain?

Mr. SUTHERLAND. Mr. President, in the remarks I made the other day I had occasion to discuss that very question. I will say to the Senator from Michigan that I have not the slightest doubt that the Government of the United States under the Clayton-Bulwer treaty could have built the canal across the Isthmus of Panama precisely as it has built it, because the Clayton-Bulwer treaty did not refer to the Isthmus of Panama in its substantive provisions. The Senator from Michigan will read the substantive provisions of the Clayton-Bulwer treaty in vain to find any reference to the Panama Canal. The references in all those substantive provisions are to Central America, to the particular portions of Central America which are named in the treaty, and to other portions of Central America. Of course, the Isthmus of Panama never was and is not now any part of Central America. The only reference to the Isthmus of Panama is contained in the eighth article of the treaty, and that is not a substantive agreement at all; but it is simply an agreement to thereafter agree with reference to the Isthmus, an agreement which, obviously, could not be enforced because the terms had not been determined upon. It was simply an engagement that thereafter they would make some agreement about it.

Mr. SMITH of Michigan. But that did not rise to the dignity of an agreement.

Mr. SUTHERLAND. If they had left it alone, there was no agreement about it; the whole thing would have been open, just as it would have been in the case of a contract between two individuals, as, for example, if I should stipulate with the Senator from Michigan to do certain things, and further say that if another situation named should arise, he and I would thereafter agree about that. Of course, such an agreement could not be enforced, and either of us would be at liberty to deal with that particular matter in any way we pleased without reference to the agreement.

Mr. SMITH of Michigan. I am greatly obliged to the Senator from Utah, who is always careful in his statements and accurate in his judgment. I have read the Clayton-Bulwer treaty over and over again to find an inhibition against the United States Government doing the very thing which we are now doing at the Isthmus of Panama, and I can not find it; very evidently it is not there.

Mr. President, I notice the Senator from New York [Mr. O'GORMAN] in his seat, and I am moved to ask him whether, among the papers submitted by the Department of State to his committee in response to the resolution of the Senate bearing upon the negotiations for this treaty, there appears anything that takes into account the rising tide of American public opinion against joint ownership in a canal to be built across the Isthmus of Panama?

Mr. O'GORMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New York?

Mr. SMITH of Michigan. Certainly.

Mr. O'GORMAN. The Senate several weeks ago passed a resolution requesting the production of all the diplomatic correspondence affecting the Hay-Pauncefote treaty. The correspondence which was produced and which has since been printed omitted two letters, one from Secretary Hay to Mr. Choate, the ambassador, and one from the ambassador to Secretary Hay. I am now in possession of copies of those two letters, and at the proper time I shall ask to have them inserted in the Record.

In the letter of Ambassador Choate to Secretary Hay he makes specific reference to the legislation then pending in Congress seeking the construction of an isthmian canal which the House passed and which contained a direction to the President to proceed at once to the construction of a canal, as was stated yesterday by the Senator from Michigan, in disregard of the Clayton-Bulwer treaty and in disregard of the then pending Hay-Pauncefote treaty.

Mr. SMITH of Michigan. I am pleased to have that statement from the Senator from New York, as it adds another important chapter to the interesting events leading up to the treaty of 1901.

Mr. SUTHERLAND. Mr. President, right at that point will the Senator from Michigan permit me to call his attention to statements made by the officers of this Government, as far back as 1880, with reference to the relationship of the Clayton-Bulwer treaty to the Isthmus?

Mr. SMITH of Michigan. Certainly.

Mr. SUTHERLAND. The first reference is in a communication addressed to the President of the United States by the then Secretary of State, Mr. Evarts, in the course of which he says:

But the United States undertook by this provision to extend to Great Britain such participation in the general benefits of any inter-



oceanic connection which might be opened in these countries, as was afforded by the principles of the Clayton-Bulwer treaty; and these were to be secured by "treaty stipulations."

That is, as I have already stated, by a subsequent agreement—

to be made at the proper time and under such conditions as might appear wisest and best when that time should come.

Mr. SMITH of Michigan. Exactly.

Mr. SUTHERLAND. Mark that—to be made at the proper time—

That is the subsequent agreement—

to be made at the proper time and under such conditions as might appear wisest and best when that time should come—

Leaving, of course, both parties open to make propositions, to accept or reject propositions, and, indeed, to formulate a new agreement wholly independent of anything in the Clayton-Bulwer treaty.

This declaration, therefore, of a general principle to be put in practice could not and did not modify either the rights or obligations which the United States had acquired or assumed by the treaty with New Granada of 1846, and which still exist in all their binding effect. The concession—

Now, mark this—

The concession, the building, and the administration of the Panama Railroad are a sufficient illustration of the correctness of this view.

Article 8 applied both to a canal and a railroad. It provided that the two Governments would extend by treaty stipulations their protection to this means of communication whether by canal or by railroad. The railroad was constructed; it has been under the control of the United States for a generation or more; the Government of Great Britain has never sought to have these nebulous provisions of article 8 carried into operation with reference to that railroad; and yet they apply as much to a railroad as they do to a canal.

I do not want to interrupt the Senator from Michigan unduly.

Mr. SMITH of Michigan. I am very glad to have the Senator from Utah proceed.

Mr. SUTHERLAND. Bearing out that same proposition, there is a communication from Mr. Frelinghuysen, of May 8, 1882, in the course of which he says:

Article 8 of the Clayton-Bulwer treaty relates only to those projects now (1850) proposed to be established, and expressly contemplates some further "treaty stipulation" on the part of Great Britain with the United States of America and New Granada, now the United States of Colombia, before Great Britain can join the United States in the protectorate of the canal or railway by the Panama route. No such treaty stipulation has been made or has been proposed by Great Britain. Since the ratification of the Clayton-Bulwer treaty, for 30 years the United States, under the treaty of 1846 with New Granada, has extended protection to the transit from sea to sea by the Panama Railway.

That is the sole protection of the United States. Again, he says:

Should Her Majesty's Government, after obtaining the consent thereto of the United States of Colombia, claim under the Clayton-Bulwer treaty the right to join the United States in the protection of the existing Panama Railway or any future Panama Canal, the United States would submit that experience has shown that no such joint protectorate is requisite; that the Clayton-Bulwer treaty is subject to the provisions of the treaty of 1846 with New Granada while it exists, which treaty obligates the United States to afford and secure to it the sole protectorate of any transit by the Panama route; and if Great Britain still claimed the right to join in the protectorate, the United States would then determine whether the "treaty stipulations" proposed by Great Britain regulating that joint protectorate were just, and if so, whether the length of time during which Great Britain has concurred in the protection of the Panama route under the treaty with New Granada has or has not relieved the United States from any obligation to accept a proposal from the Government to join in the guaranty.

I could go on further, as there are a number of other statements in the correspondence to the same effect. Later on it is said:

The eighth article, therefore, is simply a declaration of the intention entertained more than 30 years ago by two nations to take up at some subsequent period the negotiation of a treaty on a particular subject. In order to carry out this purpose, treaties must be made by the United States and England with each other and with each of the Central American States through which a canal may be built, defining in detail the stipulations necessary to execute the general principle.

And so the Senator will find all through this correspondence that the position taken by our Secretaries of State away back in that day was that article 8 of the Clayton-Bulwer treaty did not contain any substantive provision with reference to the Isthmus of Panama; that whatever was done there, so far as Great Britain might share in it, must be accomplished by subsequent agreement. The whole subject was open for Great Britain to make her proposals and for the United States to accept them or not.

Mr. SMITH of Michigan. Well, Mr. President, if any Senator in this Chamber can console himself with the imaginary fact that we inhibited ourselves from constructing a canal across

the Isthmus of Panama by the Clayton-Bulwer treaty, I am quite content to leave him in his ignorance, because of all the claims which have been put forward in this debate as the basis for our treatment of Great Britain, that claim is the least substantial.

What the Senator from Utah has just said annihilates completely any theory that the Clayton-Bulwer treaty contemplated a canal across the Isthmus of Panama to be jointly owned or regulated and controlled and defended by Great Britain and the United States. There is not a line in the Clayton-Bulwer treaty that justifies it. The title of the act speaks only of a canal across Nicaragua; the claim that Great Britain gave up anything when she made the present Hay-Pauncefote treaty is the idlest nonsense. She gave up nothing, for she had nothing to give; but, as usual, was very skillful in trying to extract something from a very uncomfortable situation.

The Senator from Mississippi [Mr. WILLIAMS] made a few observations about this House bill which, as usual, were quite to the point and follow the remarks of the present Senator from Colorado [Mr. SHAFROTH], which are recorded in the appendix. The danger from an appendix was not so great then as now. [Laughter.] Listen to my friend from Mississippi. I quote:

I feel not the slightest degree of hesitancy in trusting the American people to protect this canal, even under the language of this bill. I feel that even if the Hay-Pauncefote treaty were to be confirmed—and I am almost certain in my own mind that it never will be—

Shades of the Southland! Who is this speaking? Never confirmed! Why not?

Why not? Why should it not be confirmed? If the Clayton-Bulwer engagement still lived, why should it not be confirmed? How can any Senator or Representative take the view that the first Hay-Pauncefote treaty should not have been ratified if he believes that there was still lingering any life in the Clayton-Bulwer treaty? The Senator from Mississippi, however, seems to have doubted that.

and I am almost certain in my own mind that it never will be—

He said.

Then, again, I quote from the Senator:

The power given in that treaty to "police" the line of that canal could be taken advantage of for the purpose of garrisoning it in the first place.

Sensors, here is a scrupulous, jealous advocate of international honor who proposes to construe the word "police" into the right to garrison that canal from ocean to ocean.

Again, he says:

To "police" the line of that canal could be taken advantage of for the purpose of garrisoning it in the first place, and in the second place leaving it unfortified perhaps in time of peace, but the moment the tocsin of war was sounded I am certain we would proceed with the garrison then and there to throw up earthworks and fortifications necessary to protect the interests of our people and their money invested in the canal.

Sir, that was before the special peace propagandists had completed their organization. [Laughter.] That was before Mr. Carnegie, the peace moderator, had fortified his theories of international comity. The Senator from Mississippi was not then so punctilious and overscrupulous about the construction of a treaty; but "after we are attacked we are to have the right to build fortifications and garrison the canal."

That is like some of the orders claimed to have been given to our soldiers at Vera Cruz—not to shoot until fired upon, and then only at the man who shot at you; that is a species of warfare which even the Carnegie Peace Foundation would hardly approve.

Sensors, listen again to my friend the Senator from Mississippi:

When I think of this long route by Cape Horn; when I think of the southern cotton lying upon the banks of the Mississippi on both sides; when I dwell upon the fact that the construction of this canal will virtually empty the Mississippi River into the Pacific Ocean, giving it a new mouth; when I think of the fact that the construction of this canal will realize the dream of Christopher Columbus—

The Senator takes great pride in Christopher Columbus, although he could not have been very much of a Democrat. [Laughter.]

Mr. BURTON. Is that his language?

Mr. SMITH of Michigan. No; the comment is mine. But he adds:

And enable people to sail directly west from Europe to reach "far Cathay" and the "rich East where Prester John once ruled." It seems to me that all little matters in connection with the mere verbiage of the bill sink into absolute insignificance.

I shall vote for the amendment—

That is, the amendment of Mr. Cooney giving notice that the Clayton-Bulwer treaty had been denounced. He tried very hard to work in a notice. I do not know whether he gave the notice before my friend from Ohio did or not; but there seemed to be

a mad rush there on the part of some of our associates to give notice before they proceeded to unhound the villain. [Laughter.]

I shall vote for the amendment, and I hope it will be defeated, because I think we ought to be plain about expressing beforehand what our undoubted intent is—

So said the Senator from Mississippi—

Then if the amendment shall be defeated—

Now, he is going to vote for something which he hopes will be defeated. [Laughter.] I will read it again:

I shall vote for the amendment, and I hope it will—

I guess I misread that line—

I hope it will not be defeated, because I think we ought to be plain about expressing beforehand what our undoubted intent is.

The reason I fell into that error was because of a practice which has grown up here of voting one way and hoping another. [Laughter.] I thought it had grown to be a habit. Perhaps it is not a habit, but only periodical. [Laughter.] My friend the present Senator from Mississippi goes on:

Then if the amendment shall be defeated, I shall then vote for the bill, firmly believing that the mere fact of enabling the cotton goods of the South to reach Japan and China, Manchuria and Korea, with the obliteration of 10,000 miles of ocean transportation, will amount to something like a cent a pound of additional net receipts to every southern planter upon every pound of cotton which he sells to those markets.

Mr. President and Senators, is this the same voice that was raised in protest against a subsidy? It can not be; he would not vote for a bill which provided a subsidy. Perish the thought. "A cent a pound of additional net receipts to every southern planter" rather shocks my sense of circumspection. [Laughter.]

He further says:

I shall vote for the bill, because I believe it will carry Tennessee iron and coal entirely by waterway to a market where coal sells now for \$14 a ton, coal that we can get out of the mines at a cost of \$1.25 a ton. I hope, Mr. Chairman, that the amendment will prevail.

So spoke the distinguished Senator from Mississippi a few short years ago.

I hope he can find some comfort in his record. I have no doubt the agility which he seems to have acquired since he came to the Senate of promptly changing his opinions to meet Executive favor and at the same time remaining unruffled in his relations to his fellow Senators is rather more praiseworthy than censurable.

But why should we prolong this discussion further? They have got the shroud all made and the casket built, and they are going to inter this poor little American offspring with great formality on the historic shores of the Potomac River, where it will ever stand as a towering monument of party perfidy and dishonor. Our countrymen will deplore this base surrender to England, and future generations will pay the penalty of our folly.

Mr. President, the other day a bill passed the Senate containing a provision for the remission of tolls on foreign warships visiting the Panama Exposition at San Francisco.

Those favoring the repeal of the tolls-exemption clause in the present bill could not consistently accept the provision in the naval appropriation bill, but they did, whereby it is provided that tolls through the Panama Canal on all vessels of war passing through the canal to or from the Panama-Pacific Exposition are to be remitted, although such an enactment was plainly in contravention of the Hay-Pauncefote treaty, as interpreted by the proponents of this repeal. The treaty does not provide for any discrimination among our customers in the use of the canal, and a nation observing the rules could justly complain if one of its war vessels bound on an urgent mission was compelled to pay tolls while the war vessels of another nation bound to the Panama-Pacific Exposition were passed through the canal free.

If such a remission of tolls does not constitute a violation of the Hay-Pauncefote treaty, then why can not the United States remit the tolls on a vessel bound from New York to San Francisco, or on a vessel engaged in our foreign trade? If such a remission by legislative enactment is not a violation of the Hay-Pauncefote treaty, then why argue against giving this right to our own citizens? If the United States, through legislation, can provide for the remitting of tolls through the Panama Canal for one cause, then it can do so for any cause it deems wise without contravention of the terms of the Hay-Pauncefote treaty—

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality.

That is the language of our compact, and yet we have just discriminated in favor of visitors to the Panama Exposition at San Francisco and no objection has been raised by anyone, and the President will promptly attach his signature to the bill. Subsidies, indeed!

Mr. President, if it had been the intention to include the United States in the term "all nations," then the treaty should have read "so that there shall be no discrimination against or in favor of any nation or its citizens." The fact that "in favor of its citizens" was left out is a powerful argument with me that it never was intended to be put in, either by construction or otherwise.

My honored friend from Illinois yesterday thought I was a little hard on him when I adverted to his fear lest we were about to array the entire world against us.

Mr. LEWIS. No; Mr. President; if I may interrupt my friend—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. SMITH of Michigan. Well, the world was against us, anyway, according to the Senator.

Mr. LEWIS. My objection, if I may be permitted just a word, was that I feared my able friend had left the impression that I had said there was an alliance between the President and England, or that he desired such, in compensation for the repeal of the tolls exemption. It was that particular allusion which the able Senator made that I could not permit to rest without contradiction.

Mr. SMITH of Michigan. Mr. President, the Senator from Illinois stands in awe of Great Britain. He admits it. In the course of his very able speech, to which I listened with a great deal of pleasure, when he reaches the point where he is quite overcome by the situation into which we are drifting, he says:

Mr. President, at the threshold of the presentation—this one fact the world must understand—the Panama Canal is the property of America. No nation—no people—can have privileges therein except as granted by the grace and equity of the United States. We are the sovereign proprietors. No other nation on earth can be recognized as having any sovereign right over this canal, its use or operation, and this is addressed to Great Britain.

Great Britain. When we speak of her we pause.

I pause when I speak of her. [Laughter.]

Mr. LEWIS. May I ask the Senator to proceed with the remainder of that dissertation? He will get his reply.

Mr. SMITH of Michigan. I paused because the Senator asked me to pause. You have a period after the word "pause."

Mr. LEWIS. But the distinguished Senator from Michigan seems to have no period anywhere, Mr. President.

Mr. SMITH of Michigan. Well, my friend is in a period of great vexation and doubt, and uses a period only to express it.

Mr. LEWIS. I apologize to the Senator. I do not interrupt him. I will reply to him, and I withhold any further interruption.

Mr. SMITH of Michigan. If the Senator is going to reply, perhaps he had better desist now. I do not want to invite any controversy which will delay this humiliating surrender of any of our rights at Panama.

When we speak of her we pause. \* \* \* We may inquire where the doctrine of retaliation on the part of these nations against us for discrimination against their ships and tonnage would lead us.

Thus spoke my honored friend from Illinois in the very dawn of this discussion.

The inquiry is pertinent. I am not surprised that my able friend from Illinois should be placed upon inquiry.

First, as I see it—

Says the Senator from Illinois—

First, as I see it, to where our commerce would be stricken from their seas; second, it would awaken discordancy between the nations and ourselves and a destruction of harmonious dealings between their people and ours at home. Such an unfortunate sense of disagreement would set in as would lead to conflict at our doorways; and from that there arises things in their magnitude so much greater than war too frequently is the word to characterize their after consequence. Therefore I say, Why should we pause to make a distinction as to whether Great Britain has made a formal protest?

The President of the United States brings this matter here, says the Senator from Illinois.

Sir, I do marvel to some degree that the able Executive did not find it compatible with his sense of propriety to enter with more detail and explanation into the things which were in his apprehension.

The entire world marvels at that. The only thing about which we all seem to be in accord is the marvel that he should do this whole business alone.

Therefore, Mr. President, when I contrast that attitude with this strange exception, I am forced to the conclusion that there was reason so impelling and of a nature so momentous, of a consequence so dire, that, according to the logic of the man, the judgment of the ruler, and the sense of the patriot, it were better, in the language of Basanio, that he should, "to do a great right, do a little wrong."

Now, Senators, if this is so dire, if the consequences are so far-reaching, if the President has failed to give us light, where did the distinguished Senator from North Carolina [Mr. SIMMONS] obtain his light? He said he had been literally submerged in a flood of light since he voted in favor of free tolls.



Yet the Senator from Illinois seems to be engulfed in darkness. There is something wrong.

Then I desire to ask the Senator from Illinois when the Chief Executive of this Nation became a ruler? He may—he evidently does—rule your side of the Chamber, but does he also rule this? He is not king or emperor or czar. If he respects the fundamental law from which he derives his short tenure of office, he must know that he is only one of the coordinate departments of the Government. My friend from Illinois is unfortunate in his choice of expression. He must have been thinking of his own relation to his party.

But I, for myself—

Said the Senator from Illinois—  
will not hesitate to give what I feel may have been the reasons.

Whose reasons?

The President has not yet taken the Senator from Illinois into his confidence, but he is going to give some of the reasons which moved the President to this action. There is no more fertile intellect in this body than that of the Senator from Illinois. He can always give reasons, and good ones, too. I thought he gave the reasons on the 20th of March for the President's course, and it was to that to which I referred yesterday.

It may be distasteful—

Says the Senator from Illinois—  
but I do it; it may not be in consonance with propriety that I enter upon it; it may be questionable according to diplomatic usage that I should detail it; yet, in the words of Hamlet—

I'll cross it though it blast me.

And he did. I do not think he has yet been blasted, but I think his party has. He may be saved from the wreck—I hope he will—but the word "blast" has a powerful and potential meaning in the politics of our country.

I did not mean to misrepresent the honorable Senator, and do not believe I did.

However, when I referred to the visit of the officers of a Japanese battleship then in the harbor of Vera Cruz to Gen. Huerta, at Mexico City, a few months ago, I seem to have touched a sensitive point in my friend's anatomy usually so serene.

He refers to our relations with Japan and Mexico and Mexico's relations with Japan. Then he refers to the seething war upon our border, laying special emphasis upon the word "seething."

Mr. President—

Said the Senator from Illinois—  
if we should now, in defiance of the attitude Mexico has taken, or because of some grievance which we feel we have suffered, attempt to intervene in Mexico and march our Army into Mexico, contemplate the European response.

Said the Senator from Illinois:

Hear the world's reply to our threat. England says: "Hold, gentlemen; we have our property here to protect." Germany, with its large possessions, says: "Stay, gentlemen; here are our concessions." France, with her large interests and her investments, says: "Stop, gentlemen; you can not come into Mexico." All in chorus cry out, saying, "Now, since you have started, we will protect our own property. We march our army into Mexico and protect our own by our own."

America says: "Hold, Europe!"

Senators, there we are in battle array. There we are drawn up in solemn phalanx before the god of battle. I did not say it; the honorable Senator from Illinois filed that caveat last March.

I said yesterday that there was an acuteness in the Mexican situation which had prompted the President to seek an ally somewhere in the world that would strengthen his hand and insure his purpose to dethrone the de facto head of the Mexican Government. I think I am right about it. I think that is at the sole foundation of this emergency. One mistake always leads to another. I think that situation precipitated this crisis, and yet I only described the situation as acute; but the Senator from Illinois, before we had put our troops on Mexican soil and before our Navy was in Mexican waters, said:

Hold, Europe! Thus far and no farther; for a doctrine known as the Monroe doctrine, propounded by our founders upon the theory that America would remain ever within America and that Europe or Asia should never come within it, as we should never come within theirs, exists in all its vital principle in America, and our countrymen demand its execution and fulfillment.

That is good, red-blooded ardor. I commend my honorable friend and only wish he had more influence with the head of state, who by accident or design has imperiled the Monroe doctrine by inviting a situation which could have been easily avoided. But listen to these ominous words:

Japan, with her grievance, and already with an alliance with Mexico—

Says the Senator from Illinois—  
such an alliance that all Japan, when Huerta's particular representative came to that country, gave him a celebration the like of which was never accorded to any American or Englishman since the foundation

of their new dynasty—Japan would promptly seize the Philippine Islands. She would then seize Hawaii. Then, with such conditions pointed out by me, our Army is in Mexico, the canal not finished, no way to have a joinder of our Navy, in what condition would our country be?

That is most deplorable, but even if we lost our Atlantic and Pacific outposts in war, that would be vastly preferable to a cowardly surrender in time of peace.

I turn to consider the attitude of the other nations—

Says the Senator from Illinois—

Russia, with her grievances—she who says she lent aid to the American Union at a time when it was threatened with disunion; she who charges that because of English influence the administration in power during the last 10 years lent its aid to Japan against her, Russia, and brought the United States where it gave not only its sympathy but its financial contribution to Japan against her—Russia, remembering this wrong, carrying it brooding in her bosom, with frowning face, as gloomy as the very aspect of death, having already her smoking forts upon the border of Japan, and now in an offensive and defensive alliance of life and death with Japan, this Russia would not lose her opportunity; and with her grievance now so great that she has no treaty with the United States of either companionship or commercial amity, she would promptly aid Japan by seizing Alaska, at the north, near her borders, to embarrass our armies.

Well, we have now lost Hawaii and the Philippines and Alaska. Because we will follow the President, "right or wrong," we have been despoiled of all our outlying possessions. That is a very serious affair. I can not pass such a statement by without giving it the attention which it richly deserves.

Then the Senator from Illinois goes on to say that the whole world is against us, even—

Central America, bordering the canal, would be furnishing supplies to the European and oriental enemy and supporting their assault. Mr. President, reflect in what desperate condition we would stand; appalling, indeed, to contemplate.

I did not go that far yesterday; my statement was mild; I merely suggested that an acute situation had grown out of our policy toward Mexico which had prompted us to cultivate our ancient foe; that in order to strengthen the hands of Mr. Walter Page, our ambassador at the Court of St. James, we were to be asked to repeal the tolls-exemption law. That is all we can discern through the haze and mystery of our present diplomacy. If the President had given that as the reason for his anxiety, the American people would have rejected it with scorn. No wonder he confined himself to the most glittering generalities; that he asked us to grant his request ungrudgingly, "right or wrong." Sirs, right or wrong indicates the desperate character of his cause.

I have said many times since this debate began that I thought the seeming exigency which gave it birth would have passed away before we reached a vote on the bill. If the administration was not so solicitous about the fate of the Mexican rebels, Carranza and Villa, if the President had given the A B C mediators a free hand at Niagara Falls, the exigency which gave birth to the bill we are now considering would long since have passed away.

How much did the Panama Canal cost? Three hundred and seventy-five million dollars. We still owe on it \$134,621,980. Who is going to pay that debt? We have not yet paid for the canal; we still owe this vast sum of money. Who is going to pay it? Why, the American people, of course. Why? Because they own the canal.

No wonder the British foreign office, through Lord Lansdowne, said to Mr. Hay, "When we are relieved, as we are under the new Hay-Pauncefote treaty, from the responsibility of maintaining the neutrality of that canal, we are relieved of about all the responsibility which we formerly assumed." He knew they had no rights under this treaty, for they had no obligations.

How much did the Suez Canal cost? One hundred and twenty-six million dollars; probably a little more. England permitted it to be built by private capital, and then acquired it through subjecting a dependent State to her will.

Great Britain knew of our treaty with New Granada—executed, exchanged, and ratified four years before Mr. Clayton and Mr. Bulwer entered upon their negotiations—which stood for more than half a century as our fundamental right to do what we pleased at the Isthmus of Panama.

Before the Clayton-Bulwer treaty a concession was made to Cornelius Vanderbilt, Joseph L. White, Nathaniel H. Wolf, and their associates for the exclusive right to construct the Nicaragua Canal. Enterprising railroad people have never been unmindful of the value of such a waterway or of its probable effect upon the railroad transportation of the country.

Mr. President, we did agree with Great Britain that that canal should be neutralized, and we will keep our word; but that only means, as I said yesterday, that we will stand apart from the controversies of our customers. I think that is as far as our obligation goes. I believe that was the construction

placed upon the word "neutralization" by the distinguished Senator from West Virginia [Mr. GOFF].

Mr. GOFF. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Michigan yield to the Senator from West Virginia?

Mr. SMITH of Michigan. I do.

Mr. GOFF. It is in the nature of a suggestion. I have followed with much interest the remarks of the Senator from Michigan in relation to the Clayton-Bulwer treaty and to the effect a bill pending in the House would have upon the then existing situation had it been passed by the Senate relative to the Nicaraguan route. I am in full accord with the Senator upon the suggestion that the enactment of that bill into law would have repealed the Clayton-Bulwer treaty. The suggestion I make now is this: Conceding that to be true, as I think we must from the decisions of our own Supreme Court, if the position of the President is correct and those who are in full accord with the Executive upon that question, if it plainly appears that the canal-tolls act is in conflict with the Hay-Pauncefote treaty, why does not that act tend to repeal the Hay-Pauncefote treaty?

Mr. SMITH of Michigan. Does the Senator go beyond the particular clause affected by the legislative act?

Mr. GOFF. I say that if any act repeals any clause of a treaty, under international law it abrogates the entire treaty.

Mr. SMITH of Michigan. Because of his recognized ability as a lawyer and his large experience as a jurist, I am quite willing to accept the construction which the Senator from West Virginia gives to this matter, and we are now placed in the anomalous situation of undertaking to repeal by statute something which died many months ago at the hands of Congress when the tolls bill was passed.

Mr. GOFF. I understand that the first Hay-Pauncefote treaty failed for several reasons, one of the most important of which was that it failed to explicitly repeal the Clayton-Bulwer treaty.

Mr. SMITH of Michigan. It did.

Mr. GOFF. Previous to that, through long years England and the United States had virtually by their action recognized the fact, I claim, that the Clayton-Bulwer treaty was dead. I make that suggestion because from the time of the commencement by De Lesseps to construct the canal down to the time almost of the Hay-Pauncefote treaty, and especially a communication of Secretary Blaine to the English Government, there had been, because of the recognition of the grant to the French, the acquiescence of the United States Government in the construction of the canal under French management, and with the difficulty subsequent thereto occasioned by the failure of the French company and the reorganized French company, and still the acquiescence on the part of the Government, it tended, impliedly at least and by long recognition of the existing condition of affairs, to create the impression not only through this country but through all others that as a matter of fact the Clayton-Bulwer treaty was abrogated. Now, why our State Department ever revived it has always been a mystery, not only to myself but, it seems, to all others who have studied that international question. The only explanation that suggests itself to my mind is that it would be better to have an explicit abrogation of that matter than, since the Government of the United States built the canal, to have it an open matter that hereafter might haunt us in reference to its management.

Mr. SMITH of Michigan. I am greatly obliged to the Senator from West Virginia. The act to which I referred, which passed the House, had no specific language repealing the treaty. It would have operated ipso facto to do it had the Senate concurred.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from California?

Mr. SMITH of Michigan. I do.

Mr. WORKS. The Senator from Michigan has stated two or three times that the bill to which he referred, if it had finally passed, would have abrogated the Clayton-Bulwer treaty. Is it not equally true that the passage of a Panama Canal act, if it was in any sense inconsistent with the treaty then in existence, would also abrogate that treaty?

Mr. SMITH of Michigan. It certainly is true; an act of Congress would abrogate that treaty; but the singular thing about it all is that the Government at that time with practical unanimity held that the free-tolls bill was in perfect harmony with the treaty. This new modern construction of our treaty obligations, which came to us only after the new light had shed itself upon the President of the United States, gives force to the argument now suggested by the Senator from West Virginia

[Mr. GOFF] and the Senator from California [Mr. WORKS]. Two years ago, when we were using a field glass instead of a microscope in our foreign affairs, the two acts harmonized with the purposes of the Government, and I still believe they are not in conflict.

Mr. GOFF. I agree with the Senator from Michigan; but the question I propounded to him is, if it be true that the President is right in his construction of that act, does it not necessarily and logically follow that the Hay-Pauncefote treaty is repealed or abrogated?

Mr. SMITH of Michigan. It does; in other words, if the contention of our friends on the other side of the Chamber is to be taken as the rule of law, then the treaty has already been annulled. I am greatly comforted by the words of the Senator from West Virginia. I know that he has been a member of the Cabinet of a President of the United States in the past and an honored member of the other House; that he has sat upon the Federal bench for many years with credit and honor, and I think I know what very few people perhaps do know about him—that he was the special choice of President McKinley for Attorney General in his first Cabinet. In fact, the late President McKinley told me before he had assumed the duties of his high office that he wanted NATHAN GOFF, of West Virginia, as his Attorney General. The only reason the Senator from West Virginia did not sit at the Cabinet board at the time this controversy arose in its incipient stage was because of his own desire not to do so, and not because he was not wanted by one of the ablest Presidents who has ever graced the White House in the history of this Government, whose memory still pervades every department of the public service, and whose example of kindness, generosity, and valor is still an inspiration to us all.

But, Mr. President, what of this real "flood of light" that broke so suddenly upon the Senator from North Carolina [Mr. SIMMONS] and that blinded the Democratic Party to its platform pledges—this "flood of light" that came upon the country the very hour that the President delivered his special message to Congress—where had it been concealed? He carried that "flood of light" all bound up in a little leather case. None escaped between the White House and the House of Representatives. That "flood of light" which was bound up in the President's portfolio fell upon the benighted world in these enlightening and sunlit words:

We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

This was the "flood of light" that burst upon the unsuspecting world; this was the overwhelming revelation that came to our friends upon the other side of the Chamber. It caused the distinguished Senator from Mississippi [Mr. WILLIAMS] to turn a double back summersault and land squarely upon his feet; it blinded the eyes of the Senator from North Carolina [Mr. SIMMONS] as it burst in its glory upon his great soul, and he arose forthwith and followed the star to the White House; it struck the giant frame of the distinguished Senator from Georgia [Mr. SMITH], but made no lasting impression upon his fertile brain. It was great enough to engulf the Senator from Louisiana [Mr. THORNTON], who proclaimed openly its power to change his previous course of action.

Mr. THORNTON. Mr. President, am I to understand that the Senator from Michigan is calling on me now to explain why I changed?

Mr. SMITH of Michigan. No; I know why the Senator changed. I know the Senator changed because he felt the piercing glare and considered it was his duty to do so.

Mr. THORNTON. I thank the Senator.

Mr. SMITH of Michigan. Just as he meets every public emergency. I think none the less of him for it, or of any other Senator who sees the new light; but this light was so carefully confined within the little portfolio of the Chief Executive that I marvel it could be seen with so much precision through the mist of our time by men of mature age. Like the prophets of old, who saw the spirit in the burning bush, this "flood of light" instantly, surprisingly, filled the breasts of those who had dwelt in ignorance and darkness until that moment. Well, Mr. President, I do not know but that I ought to permit them, without further resistance, to lapse into their semiconscious state, with their idol in their arms. I do not know why I should longer attempt to influence the action of the Senate. Nearly every Senator's mind is made up, and we might just as well take the verdict at one time as at another. I think, how-



ever, that we are surrendering important national rights which we ought to defend.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. SMITH of Michigan. I yield to my friend from Missouri with pleasure.

Mr. REED. Mr. President, a few moments ago the Senator from Michigan made a remark the import of which was that England in her diplomacy and in her policy always claimed England's full share. That was not the language, but that was the import of the statement. It led me to think of some remarks made by John A. Dix, which I read many years ago and which Mr. Dix made in the year 1845. They are so thoroughly American and so refreshing at this time that I ask permission of the Senator from Michigan to read them into his remarks.

Rapid and widespread as has been the progress of the latter, we have never sought to interfere with it. She holds one-third of the North American continent. She has established her dominion in the Bermudas, the West Indies, and in Guiana, on the South American continent. She holds Belize, on the Bay of Yucatan, in North America, with a district of about 14,000 square miles, if we may trust her own geographical delineations. We see her in the occupation of territories in every quarter of the globe, vastly, inordinately extended, and still ever extending herself. It is not easy to keep pace with her encroachments. A few years ago the Indus was the western boundary of her Indian empire. She has passed it. She has overrun Afghanistan and Beloochistan, though I believe she has temporarily withdrawn from the former. She stands at the gates of Persia. She has discussed the policy of passing Persia and making the Tigris her western boundary in Asia. One stride more would place her upon the shores of the Mediterranean, and her armies would no longer find their way to India by the circumnavigation of Africa. Indeed, she has now, for all Government purposes of communication except the transportation of troops and munitions of war, a direct intercourse with the East. Her steamers of the largest class run from England to Alexandria; from Alexandria there is a water communication with Cairo, some 60 miles; from Cairo it is but eight hours overland to Suez, at the head of the Red Sea; from Suez her steamers of the largest class run to Aden, a military station of hers at the mouth of the Red Sea; from Aden to Ceylon, and from Ceylon to China. She is not merely conquering her way back from Hindostan; she has raised her standard beyond it. She has entered the confines of the Celestial Empire. She has gained a permanent foothold within it; and who that knows her can believe that pretenses will long be wanting to extend her dominion there? Though it is for commerce mainly that she is thus adding to the number and extent of her dependencies, it is not for commerce alone. The love of power and extended empire is one of the efficient principles of her gigantic efforts and movements. No island, however remote, no rock, however barren, on which the cross of St. George has once been unfurled is ever willingly relinquished, no matter how expensive or inconvenient it may be to maintain it. She may be said literally to encircle the globe by an unbroken chain of dependencies. Nor is it by peaceful means that she is thus extending herself. She propagates commerce, as Mohammedanism propagated religion, by fire and sword. If she negotiates, it is with fleets and armies at the side of her ambassadors, in order, to use the language of her diplomacy, "to give force to their representations." She is essentially and eminently a military power, unequalled on the sea and unsurpassed on the land. Happily, the civilization which distinguishes her at home goes with her and obliterates some of the bloody traces of her march to unlimited empire.

Mr. President, many of the predictions in that statement have been realized; and, while we are constantly spending our time dwelling upon the fraternity of the two nations, it is well enough to turn back to the pages of history and consider the past in connection with the present.

Mr. SMITH of Michigan. Mr. President, I am obliged to the Senator from Missouri. I think, however, that much of Great Britain's progress in the world has been made because of the very scientific system of diplomacy which she has formulated during the ages of her dominance. I am very glad indeed that we have an English-speaking people to the north of us. If Canada can not be a part of the United States, I am glad that it is inhabited by a fine race of people. But, Mr. President, I do not like to see our domestic policy influenced so largely by either our neighbors on our north or our neighbors on our south. If it had not been for the internal conflict now going on in Mexico I do not believe this proposition would have ever emanated from the brain of the President of the United States; and if it had not been for the activities of the officers of the Canadian Government, I do not believe England's interest would have been quickened in the present contest for commercial advantage. The countries of the Western Hemisphere will soon stand face to face with the necessity of dealing with one another as Americans. The Mediterranean is a world sea lying in the Temperate Zone, amid an ancient civilization, and our southern basin is destined to be a world sea, now that a canal pierces the Isthmus connecting the Eastern and Western Hemispheres by direct and rapid communication.

Senators, will you bear with me while I recapitulate what I have taken altogether too long to say? England had no right on the Mosquito Coast or in British Honduras under her treaty with Spain. She has hovered around that narrow strip of land connecting the two continents of North and South

America like a vulture in anticipation of an opening between the two oceans.

The treaty between the United States and Great Britain formulated by Mr. Clayton was not intended to affect us at Panama. President Arthur and Mr. Frelinghuysen and Mr. Blaine treated it as a nullity; President Hayes and President Garfield called any waterway connecting the two oceans at the Isthmus part of our coast line.

Every time we approached the question of the construction of a canal across Central America, England became active in its vicinity; and if she could not influence us by kindly offices, she did not hesitate to provoke our concern; the dust was sure to rise somewhere just enough to complicate the situation and assure us that it was very desirable to have her friendship.

There was no inhibition against us at Panama. The old treaty had no reference to a canal built at a different point than that described in the instrument. When the American public asserted itself, the British foreign office and our State Department promptly adjusted themselves to the new situation. Our insistence forced her to give up everything except what we were willing to give to every other country—neutralization and equality of tolls among our customers; that is all.

Mr. President, if that represents all her rights in equity and good conscience, if that is all she has under the law of nations, then we are not called upon to make this sacrifice to-day. If the exemption clause is repealed, if we bow to the suggestion of Mr. Innes, the British consul; if we comply with the wishes of Mr. Borden, the Canadian premier; if we reverse the policy of this Government solemnly and almost unanimously decreed less than two years ago, difficulties will multiply and our foreign relations will become sadly awry. And if we should ever attempt to reimpose this exemption from tolls, we will find this verdict you have to-day written emblazoned in letters of living light at every angle of our national experience.

O Mr. President, it is too far-reaching, too important to future generations of our countrymen to be thus surrendered on the mere ipse dixit of the President of the United States.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Minnesota?

Mr. SMITH of Michigan. Certainly.

Mr. CLAPP. A few moments ago the Senator made the statement that if it had not been for the internal difficulties in Mexico we never would have heard of this proposition to repeal the free-tolls clause. I do not know how others may feel, but I certainly should be very much interested in the discussion of any possible relation between the little revolution in Mexico and the regulation of our tolls a thousand miles or more south of Mexico.

Mr. SMITH of Michigan. What I said I repeat to the Senator from Minnesota, that the first time this subject was ever mentioned to any committee of Congress it was mentioned by the President to the Foreign Relations Committee, then considering the Mexican situation at its most acute stage; and when it was suggested that the hands of our ambassador in London might be strengthened by such a course, I for one, and there were others, protested against it.

Mr. CLAPP. But what had our ambassador in London to do with the relation which we sustained to Mexico? That is what interests me.

Mr. SMITH of Michigan. The Senator from Minnesota knows that Great Britain has a treaty of offensive and defensive alliance with Japan, does he not?

Mr. CLAPP. I have heard so.

Mr. SMITH of Michigan. I happened to be in London when it was promulgated, and knew something of the sentiment that prompted it.

Mr. CLAPP. Yes.

Mr. SMITH of Michigan. The Senator knows of the unusual friendship existing between those two Governments. The Senator knows that Japan at one time, not very far distant, became greatly interested in the Mexican situation. The Senator knows that the officers of a Japanese battleship paid a visit to Gen. Huerta in Mexico City for a week; and it was at that moment when the administration seemed to be perplexed and impressed with the necessity of finding support for his Mexican policy, just at the time when he asked us to repeal this law, "right or wrong," in support of the foreign policy of the administration, adding, "I shall not know how to deal with other matters of even greater delicacy and nearer consequences if you do not grant it to me in ungrudging measure."

Mr. CLAPP. Mr. President, I still fail to see any connection. Does the Senator mean to imply that in order to offset an alliance based upon a treaty between England and Japan we are



making this surrender to England as a measure of national protection?

Mr. SMITH of Michigan. Mr. President, that is a very blunt inquiry. It is very characteristic of the Senator from Minnesota. I am no alarmist, but I think the answer to his question can be found in the message of the President of the United States just read.

Mr. CLAPP. Then we have reached the point in national decadence where we buy peace? Is that it?

Mr. SMITH of Michigan. I dislike to admit it, but I can not find any other motive for this course.

Mr. CLAPP. I thought there must be some powerful motive that acted on us.

Mr. SMITH of Michigan. As the Senator from Rhode Island [Mr. LIPPITT] very appropriately says, we do not know what is the full price of the friendship we are now buying.

Mr. CLAPP. No; but are we buying friendship?

Mr. SMITH of Michigan. If we are not buying friendship, we are taking a great deal of pains to cultivate ill will.

Mr. GALLINGER. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. SMITH of Michigan. Certainly.

Mr. GALLINGER. I assume that it has occurred to the Senator from Michigan as a remarkable circumstance that England, which has always protected her subjects everywhere—going to the extent, I think, of raising 5,000 troops and spending millions of money to rescue a single English citizen in Abyssinia a few years ago—has been quiescent over the murder of an English citizen in Mexico. Has the Senator any suggestion to make as to why England has not, in her usual way, demanded reparation for that affront and the murder of that English citizen?

Mr. SMITH of Michigan. No, Mr. President; but I believe that if the truth were known the British Government has been assured redress for that wrong if she will "watchfully wait" an appropriate time for vengeance.

Mr. CLAPP. Mr. President, if the Senator will pardon me, that is a very serious charge against the English Government. That involves the proposition that they would abate their protection and the avenging of a wrong to an English citizen for the commercial benefits to be derived from our surrender of our sovereignty in the Panama Canal Zone.

Mr. SMITH of Michigan. Mr. President, far be it from me to exalt the commercial virtues of England. They have a way entirely their own. Commerce has driven her flag into every port of the world, and the ambitions of her rulers have planted it permanently at the very outposts of civilization. From the days of Cromwell to the rule of George IV her diplomacy and her commerce have sailed the seas together; commercial expansion has prompted her to conquest, scattered her soldiers into every clime, and impoverished her people by ruinous competition. Yet the strength of her Government and the permanence of her plans challenge the admiration of the world.

Mr. CLAPP. Mr. President, if the Senator will pardon me further, I think we can find a way out of this dilemma and save the national honor of England and America, and that is to recognize that the underlying spirit that is demanding this repeal consists of the railroad interests of the country. That frees us from the humiliating spectacle of two great nations bartering national honor upon a commercial basis.

Mr. SMITH of Michigan. Mr. President, the communications of railroad people have been quite unanimous.

Mr. CLAPP. It is the only logical reason you can find for it which preserves the honor of the two nations.

Mr. SMITH of Michigan. The President favored the Panama tolls exemption in his campaign; and in the speech of acceptance which he delivered to the Senator from Kentucky [Mr. JAMES] and his associates he thought that exemption was not going quite far enough to rehabilitate our merchant marine. He said in that speech that the device which we had formulated was merely paltry; that it went only halfway, and did not quite assure the establishment of an appropriate merchant marine. Then he said in his address to Congress last March:

The large thing to do is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood.

It was not everywhere questioned and misunderstood in the campaign when he was running for President, nor when he faced Senator JAMES and his associates in his speech of acceptance. It was not supposed to be misunderstood during the first year of his administration. It was not supposed to be so all-powerful until he found that his policy in Mexico was not working as he

had imagined it would; until there was activity upon the part of other countries in Mexican affairs; until the attitude of Sir Lionel Carden, the British ambassador to Mexico, had excited the President's suspicions, for which he was called to London, supposedly for discipline.

Has not the State Department declined to furnish the Senate with the correspondence touching this matter? Are not the resolutions of Senators asking for information buried in the Committee on Foreign Relations? The President wants to hedge this matter about with mystery which no one can understand because of the "nearer" and "more delicate" questions, which he "will not know how to solve" if he does not get this repeal.

There is no assurance in anything he has said that he will know how to solve those questions if he does get repeal. I am suspicious that the next step will be to comply with some wish of Japan, the British ally in the Orient, before we can have absolute assurance of peace.

The words read by the Senator from Missouri regarding the matchless character of the British Empire thrill all English-speaking people; but we are American Senators. We hold no commission from any other Government. We are American Senators, with our duty to our own. We are fighting for American rights. The Senator from Missouri, in what he has quoted, speaks of the "white circle of British Empire." Why, Mr. President, it has been the boast of England for a hundred years and more that she has a country upon which the sun never sets. But so have we. Our acquisition of the Aleutian Isles in Russian America gave us a country upon which the sun never sets. While the Aleutian fisherman, lulled by the shades of approaching night, is pulling his canoe toward the shore, the woodchopper of Maine is beginning to wake the forest echo with the stirring music of the ax. We have an empire upon which the sun never sets. It is the glory of the generation in which we live that wherever we have gone with our high ideals, intelligence, moderation, good citizenship, virtue, and patriotism have followed our flag. If we yield now our sovereign rights on the Isthmus of Panama, without reason, to placate a country from which we were obliged to revolt in order to enjoy our freedom, who is to say what the next contribution to amity will be?

Already Senators on the other side have a policy, which you are nursing, to set the Philippines free. How are we to know but that is a part of the sacrifice we are now making? Does the President contemplate a British and Japanese protectorate over the Philippine Islands? How do we know that we are not to be despoiled of Hawaii, which shines like a beacon light on the highway to the Orient? How do we know but that Porto Rico, that glistening pearl at the very entrance to the canal, is not to go to some stronger power in the interest of that "larger" peace which the President of the United States is so anxious to exemplify?

Mr. President, we ought not to yield to this demand. Poets and authors and philosophers have for hundreds of years contemplated the construction of a canal across the Isthmus. Goethe, the bard of Weimar, nearly a hundred years ago said he wished he might live to see the day when a canal would be constructed across the Isthmus of Suez, to be controlled by Great Britain. Goethe foresaw the dreams of navigators in his moments of fancy, and nearly a century ago predicted the construction of a canal across the Isthmus of Panama and expressed the wish that he might live to see the Mexican Gulf and the Pacific Ocean united under the direction and control of our Government and a junction made between the Danube and the Rhine by the Government of the fatherland. But in the wildest flights of his poetic fancy he could never have conceived the possibility that a canal would be constructed across the Isthmus by the American Government and then, just as we were to celebrate its triumphant completion, temporary officers of the American Government would turn it over to the joint management and control of our greatest rival among the nations of the earth.

O my fellow Senators, do not commit this wrong against your country. There is no exigency which demands it. There is no condition in the wide world that calls for such a sacrifice. Vexation and temporary fear will soon pass away, but the act that you are passing will stand as a perpetual monument to the singular folly of our times.

Mr. President, the Senate has been marvelously indulgent with me to-day. Never before have I trespassed upon your good nature so long, and I little thought I should do so now. But, Senators, it is due entirely to the importance of my theme. Is there no one to stay this wrong? From the bottom of my heart I wish the consummation of this outrage could be thwarted before it is too late.

Mr. LEWIS. Mr. President, if the Senator from Michigan is not so fatigued that he thinks he should take some rest or res-



pite by leaving the Chamber, I prefer that he remain in the Chamber, as I should like to make some reference to a few of his observations; and lest I should misquote him or disclose a misunderstanding, I prefer that he should be present, that he might correct me should I fall into error.

Mr. President I have been greatly interested in listening to the very copious presentation of the able senior Senator from Michigan [Mr. SMITH] touching the question of Panama tolls. I say "touching" the question—occasionally touching it; and touching it in such manner that it will hereafter be known to have been touched by such a hand as he always discloses wherever he wields a blade.

I have been at a loss, however, doubtlessly due to the obtuseness for which I must express great regret, to understand whether the able Senator has meant his speech as a display of humor or one of serious statesmanship. I have observed his party colleagues on the other side surround him and, under the proper tutelage of his excellent colleague the junior Senator from Michigan, they had their risibilities awakened at certain stated periods, when an evidence of humor ripples forth like to that adjusted by the claquers at a vaudeville performance to the first entrance of a new and untried artist. Whether all of that was due merely to a desire to give to the distinguished Senator from Michigan an understanding that his remarks were having great effect and as being humorous, or whether it was intended to indicate that his colleagues were exceedingly amused at the references made by the able Senator to other Members of the Chamber, including myself, is to me more or less a doubt. I can not say how the speech of the able Senator from Michigan is to be taken.

As the Senator referred very fully to the attitude of one of his distinguished predecessors, Gen. Cass, a Senator from Michigan, who, upon a previous occasion, had an important part in the debate in the Senate upon the question of the Clayton-Bulwer treaty and upon the relations of our country with Central America, and it being true that at that particular time there was a Senator from Illinois occupying the floor and taking a very active part in that debate, I fancied that my very able friend from Michigan threw out his lariat in a vocabularic circle and dragged me from my obscure place in the Senate to be the victim of his animadversions, that he might possibly duplicate in history that other debate between Cass, of Michigan, and Douglas, of Illinois. He should have been more merciful; for while, by the gift of heaven, it is his quality to duplicate at any time the capacity of his distinguished predecessor, Cass, of Michigan, I am unhappily so limited that I can not occupy the place of the distinguished opponent from Illinois, Douglas, but must be as one who dares but to latch the shoes.

I do not understand what the able Senator from Michigan means when, from his very exalted station, he seriously charges the President of his country with having gravely and deliberately entered into some understanding with a foreign country to surrender the rights of American citizens for some imaginary protection, which only in the flaming imagination and heated discussion of the distinguished Senator from Michigan exists in the fancy of some pending alliance.

I do not fancy for a moment that so patriotic a gentleman as the able Senator from Michigan could have seriously made those allusions either to-day or yesterday in the opening of his able speech, because it was well prepared, carefully thought and arranged, with historical quotations and introductions, indicative of vast labor and industry, for which the Senator must always be praised. But, further on, yesterday, when that intimation was made I assumed to invite my able friend to the fact that he made an unconscious utterance, I will say, through over-flowing expression rather than reflection of intellect.

But to-day the Senator from Minnesota [Mr. CLAPP] having had his attention likewise directed to the full meaning of such assertions gravely asked the able Senator from Michigan, who is a member of the Foreign Relations Committee, if he really meant to intimate that it is his belief that the President of the United States has entered into an understanding in the form of some shape of agreement with England to yield up the rights of American citizens in the United States in turn for something not yet defined, to be granted by that English Government. Then the able Senator from Michigan by his answer seems to be thoroughly impressed that something of the kind must have existed; otherwise, said he, the President would not have indulged in expressions that have found their way to the Senate in his address to both Houses of Congress upon the questions of the repeal.

I heard the able Senator in his speech say that at a meeting of the Foreign Relations Committee—and I am now referring to what the able Senator said yesterday in his remarks upon the floor of the Senate—that at some meeting of the Foreign Rela-

tions Committee, of which he is a member—representing capacity which Michigan may well take credit—he said that in his position as a member he had occasion, if I did not misunderstand him, to be in the presence of the President of the United States, who was either before that committee at its session or having that committee before him, and that previous to that particular occasion there had been no allusion to the question of the repeal of the tolls; but that in his presence there was a cable or telegram handed to the President of the United States; that this telegram or cable was opened by the President, a part of it read by the President, and the able Senator from Michigan deduces that the contents of that message was the inducing power which impelled the President thereupon and immediately to make some concession of an ignoble and contemptuous kind in asking of his Nation that it surrender the sovereign rights of American citizens to yield an accommodation of something implied within that mystic, mysterious, and undisclosed message.

I can understand very easily how, upon a rostrum before the voters of Michigan, intoxicated with the genial presence of the able Senator, they would applaud any expression he may bring forth, and that before such a body as that the able Senator might make such expression and not feel the responsibility of the utterance, feeling that his constituency would merely have their curiosity tickled and their pride appeased, but in no wise their convictions impressed by that form of recital.

But, unhappily, the records of this Chamber disclose that any expression of any man carrying ambassadorial power from a sovereign State is embalmed in some form of perpetuity and finds its way into the recorded annals of this celebrated and historic assembly, and in after days is to be read by men who must read those utterances with all the solemnity and conviction communicated by the position from which these expressions came.

Mr. President, Senators elected by their respective States to this body occupy the highest altitude that compliment or honor from any State may confer. They ought not to lightly indict the head of their Government with having made surrender of the great rights of the American people upon so slight a reason and for so small a cause as the fright and terror induced by the contents of a cablegram.

Shall the able Senator from Michigan be content that in after days upon the responsibility of his eminent position he shall bear the consequences of a legitimate criticism that will come from the reflective sense of our country when it is recalled that gravely in his station and high position he has made this charge against the President of his American country?

For what would such a surrender be made? What object would the President have? What service to himself? What service to his country? What theory of freedom, what purpose of nation could be served by any American entering upon so contemptuous an attitude, making so dishonorable a surrender of his own country?

What is there in the history of this man Woodrow Wilson, of his ancestors, of his birth, of his breeding, of his life, of his public and private conduct, that would license any man, however free in fancy, burning in imagination or copious of rhetorical observation, to gladden narrow spirits about him by making such accusations? What is there, I must ask of the able Senator, in all the surroundings of that man which would justify any man charging him with a nature so craven, with a quality so base, as could have done such a thing as the able Senator charges against the President of the United States?

I am sure, therefore, that my very learned and distinguished friend meant to be humorous. That it was not his intention to have his speech taken seriously. That it was one of his excursions into the field of wit and humor. That being encouraged by the constant breaking forth of cheery smiles, globular mutterings, and explosions of joy on the part of his colleagues he was urged further on quite as a romping deer might be as he rushes along a stream that ripples against the bank and then has met ultimately his destruction on rocks or drowning in the gush of waters.

I know the distinguished Senator from Michigan. As he said yesterday our acquaintance began in service in the House, my service an humble one and his, as he has himself certified, with such distinguished quality and elevating magnificence as to bring him the confidence of Presidents of the United States. To him there was whispered every thought which the President had even as to the making of Cabinets and the shaping of policies and the fate of the country. Those things were not mine to enjoy, but it was mine to enjoy the sweet and simple disposition of the able Senator from Michigan, the fertile quality he ever possesses in the form of imagination, the



genial manner in which he dismisses all differences between fact and assertion, and the accommodating spirit that ever justifies him in a mere trope and simile of rhetoric without regard to the fundamental facts upon which it may be constructed.

Now, let no man assume for a moment that I am speaking in condemnation. I confess to have something of envy, that I am not gifted in such quality that I could thus charm and entertain surroundings with these versatile qualifications. I am limited to a condition where I must recognize in a solemn assemblage like this my disqualification to excel in these airy excursions. I must be content to and pinion myself, as it were, to the ground. But the able Senator from Michigan is content to draw from the flaming armory of his imagination such things as will give entertainment to his constituents who may not have the knowledge that facts are to the contrary.

Now, I speak seriously to my friend. I speak seriously because I can not feel that his speech was intended to be seriously taken by the great American audience who must here listen, and by the great State of Michigan as she speaks through the voice of her distinguished representative. I know my learned friend in his quiet moments has the tranquillity of the humming bird sipping dewdrops from the tulip, yet in such hours as we have just seen him, lashing himself about as the Ethiopian lion that devours all in its track and crunches his jaws over everything that opposes him, but despite these extremes in conduct, and far distances of latitude in both manner and speech, a middle ground can sometimes be reached upon a basis of a personal responsibility. Where, I ask my distinguished and able friend, the senior Senator from Michigan, will he take the middle ground of responsibility for having had read to-morrow morning from the great newspaper sources of this country by the millions and millions of citizens of his own Nation that their country had been surrendered by the President of the United States to England and the sovereign rights in the property of America, and her privileges as a Republic have been bartered for something which the Senator would imply was contained in the undisclosed provisions of some cable that frightened the President of the United States to make this surrender brazenly before the world? What responsibility will my distinguished and able friend take in the middle ground before Europe, that has not, as he says, too much affection for us at best, when it reads with contemptuous smile to-morrow morning in the cable dispatches that the learned Senator for many years a Member of the House and in the secrets of the Foreign Relations Committee, honored in his place as a Member of the Senate of the United States and a member of the Foreign Relations Committee here, yet in that position confesses to the whole world that he has convictions within him which justify the accusation that his President, the head of his Nation, has surrendered his country—America—to the demand of England; and all for a thing which he sees not, hears not, knows not, but in the imagination that knows no limitation flashes forth in accusation. Surely my able friend did not mean that speech seriously.

Now, so far as I am concerned, I am not, Mr. President, a member of the Foreign Relations Committee. I am not able to see from my point of view the justification of any member of the Foreign Relations Committee detailing what he knew was a personal conversation between the President of the United States and that committee. I would fear if I did such as that that I would drive that Executive into fear of every man coming into his presence with any form of confidence, and I would likewise discourage him in his incentive to be frank with the committee, lest by doing so and having his remarks misconstrued suffer that misconception to be put forth before the world as a confession from the mouth of the Executive himself.

Mr. President, the President of the United States is not permitted by our rules to appear upon this floor and respond to any Senator who may by his allusion place the President in this unjust and unenviable position. Nor can any Senator in the President's behalf reply for him, because no Senator can know what the President had really said, unless that Senator was likewise present at this gathering, and he would be amenable to the same form of condemnation of revealing those confidences and be placed in the same category of the one who first perpetrated the offense.

Now, I must say I stated my position on this tolls question as well as I could when I opened the debate here on this floor with an amendment which I tendered, having for its object authorizing the President to grant exemptions to ships whenever there was such exaction by railroads as would justify it to prevent monopoly.

If I believed, Mr. President, that any President of the United States had merely for the purpose of serving some national and foreign rival of my country yielded to that accommodation

without any reason of justice to my own people and welfare to my own Nation, I would not only decline to support him without regard to what party he may be aligned, but I would denounce him in any public presence where I was honored with an audience. No appellation of Democrat or Republican could rescue him and no privilege, personal or political, could give him refuge against my indignant judgment.

Therefore, Mr. President, there is neither foundation—in fact, there is no excuse in parliamentary privilege for the assertions of the distinguished and able Senator. I must insist, therefore, that those observations were intended by him rather in the sense of a figure of speech than as an assertion and accusation against the President of his own country.

If there shall be a reference made to any surrender or arrangement between this country and England for anything, let us have a frank understanding as to when it occurred.

The able Senator refers to Russia and her grievance, and right he is. Russia seems to have a grievance, and that she does recall the days when she offered her services to the Union, and that she has likewise been offended because of the attitude of our country subsequently against her. We all saw that under the administration of the party of my distinguished friend from Michigan, when Japan was at war with Russia, America offended Russia. Does not history record that it was the Republican administration, through the influence of England, which lent its aid specifically to Japan against Russia? Will it be lost sight of that the only alliance that was made with England in any business or governmental transaction within the memory of men sitting here was that conducted by a Republican administration touching both the affairs of China and Japan?

Then, if these things are to be condemned, as condemned they should be, let the able Senator recall that the only recorded event is that which was consummated by his own administration.

Now, when my able friend says that the President was alarmed with the situation in Mexico and the conduct of Huerta and did nothing but falter and blunder, I ask him what other attitude would he have had the President take than the one which he did. President Taft, the predecessor of President Wilson, had refused to recognize Huerta. President Taft had taken the step in behalf of this Republic which President Wilson himself merely followed. Where was the vice in the Democratic President doing that which was the virtue on the part of President Taft? I am unable to see it.

Then, I say to the Senator from Michigan, what course would he have taken? When a Member of the House to which he alludes, referring to his own distinguished service, to which I grant my certificate, likewise, as being distinguished, able, and of effect, there was an effort made by certain portions of this Government to precipitate the Nation in war with Spain over Cuba. Did not the able Senator from Michigan then work against it, vote against it, and serve against it upon the theory that it was an unnecessary war and a ruthless destruction of the young men of this country and would be inhuman, as it was un-American and un-Christian?

Is there any difference as to the attitude to Mexico and the position the President is now occupying to the sons of his own country, as he seeks to save their lives and preserve the integrity of Christianity and the honor of American justice in his own Republic? Therefore, where is that "vacillating" and what my friend calls an awkward and inexcusable course of blunders on the part of the President of the United States, because he restrains war?

Mr. President, I conclude with the suggestion I rose to make, to call the Senator's attention that he had indulged in observations which I am sure he could not have intended seriously.

Mr. President, I understood from the Senator from Michigan sincerely that there has never been made a mention of the repeal of this tolls by the President until the Mexican embargo was upon the community and the President's presence before the Foreign Relations Committee.

Mr. President, if the question were new it would justify some observations of a little different character from that which must only be indulged now. The whole theory of the repeal of tolls, as I understand it, was in order that the canal might be maintained and maintained by the charges upon all those using that waterway. When the Senator from Michigan calls the attention of the country that \$134,000,000 of outstanding bonds are upon that canal and still unpaid, and that many more millions are still to be due, I ask him in what way shall you pay that debt if you shall not have the canal pay for its own obligations? Will you levy a direct tax upon your neighbors in Michigan and make them pay for the canal, when the obligation could be paid for by the users? I do not understand that the President of the United States goes any further in his object.



Mr. President, having made that observation, I now turn to what the Senator said concerning myself. The Senator said that I in a speech on this floor intimated that there was great terror of England. I invite the able Senator's attention that no such utterance was made by me. I never at any time intimated that I had any terror of England. I think if England could have had anyone in this Chamber speaking in her behalf or hearing in her behalf, they would report home that there was one thing in which England need stand in terror, and that was the senior Senator from Michigan. No one could hear the senior Senator from Michigan without realizing the furies he summons up when he speaks.

He says I referred in my speech to that which would "blast" and that some one will be "blasted." I beg to recall the attention of my able friend that there need be no source from which anyone need fear blasting so much as from his distinguished capacity when his trumpet blows and the sound from the bassoon goes forth from his attuned lungs. All the country stands in terror lest either their patience or their capacity of endurance should be blasted with one single bugle call from the senior Senator from Michigan.

Blasted! No; when I used that expression I did not refer to tolls. If my able friend will read my speech, I referred to that portion of the President's speech where he said, referring to those "nearer issues," the foreign policy, in which I spoke of what he must have meant by the expression "those nearer issues." These I said I would cross if it blasted me, using the phrase of Hamlet. I may quote the words wrongly—I referred then to what the President meant, and I called the attention of the country to that which I now repeat and bring to the attention of the Senator. That the President called attention, no doubt, to that helpless state this country had been put in by the policies of the Republican administration, by which it was compelled for a while to parley and play with the emergencies until it could fit itself with equipment that it might defend itself in honor and in strength. I alluded to the policy of the Republican administration precipitating the Philippine Islands as a doctrine of conquest upon us, which the distinguished Senator from Michigan correctly alluded to a few moments past as he closed his speech, with the beautiful peroration when he referred to our "subjects" in the Philippine Islands.

I would not mar the beauty of the wonderful figure of my friend from Michigan. It will be recited in the school exercise orations. Orators will adopt it as they have those perfections of Webster's reply to Hayne and the observations of Blaine upon Conkling, but I allude to the fact that my able friend does not hesitate to speak of these people just as the administration had made them, as the "subjects" of this Government. So if I did refer to the President of the United States in my remarks as the chief ruler of the country, I now animadvert that the one propriety possible was that if there are there subjects created by the distinguished Senator's administration, there must be a ruler over them.

Then I did say the precipitancy of the Philippine Islands upon this country, with all the burdens it entailed and the dangers it threatened and the consequences of the future, the unseen and immeasurable, placed this country at such a disadvantage that, coupled with other things, with the grievances which we had brought upon ourselves, compelled, no doubt, the President to mean in that expression that was somewhat mysterious and not fully clarified that we pause to consider our situation; that if any conflict with Mexico was to come we take methods and time to such preparation as would enable us to defend the Nation in honor and maintain the country in victory—a proper Navy and Army—sufficient for the defense of our possessions and our country.

The able Senator seems to have wholly misapprehended both the theory of my remarks and their expression, and as he has my speech before him and has referred to it this morning, of course that will show that that which I say now was the exact purport of my utterance then.

Mr. President, I shall pass by the pleasant allusion of my beloved friend touching the description he gave of that horror which my countenance portrayed when I came to the expression "we pause." I assure the Senator I will now give a thorough definition to that meaning. Differing from my able friend, I will pause; I will find a place where I can with propriety make that pause; and I pause at that point to invite my able friend from Michigan to contemplate if he does not wish to revise the observations, which, unfortunately, came from the copiousness of utterance and not from the reflection of judgment, when, in response to the Senator from Minnesota, and at his own deliberation on the day before he left the country with the conviction that from himself, the able Senator and eminent spokes-

man of Michigan, he charges the President of the United States with having no object to serve in whatever he undertook but the surrender of his own country, the ignominy of his own fellow citizens, and the dishonor of his own Republic. I invite him that he contemplate the effect of his charge, that he consider the full strength of the insinuation, and in his place at the proper time confess that which was no doubt his object, to demonstrate himself a wit and a humorist, who provoked the risibilities of his side in laughter and mirth, as he might the admiration, though sometimes the wonderment and amazement, of this side. I warn him that it is not always wise, in order to tickle "the ears of the groundlings," that we "make the judicious grieve."

Mr. O'GORMAN. Mr. President, the Senator from Washington [Mr. Jones] is temporarily engaged in a committee meeting; and at his request I send to the desk a copy of an amendment which he proposes, which I ask to have read.

The PRESIDING OFFICER. The Secretary will read the proposed amendment.

The SECRETARY. It is proposed to amend the text of the committee amendment by adding thereto the following words:

And Congress hereby asserts that the United States has the unrestricted right to regulate the use of the Panama Canal by its citizens and commerce as it may at any time deem wise and proper.

Mr. O'GORMAN. Mr. President, as I stated this morning, when the diplomatic correspondence relating to the Hay-Pauncefote treaty was furnished to the Senate by the State Department, a few weeks since, two letters were omitted. I am advised by the Secretary of State that these two letters were not in the possession of the department at that time. One is a letter from Mr. Hay to Mr. Choate under date of August 5, 1901. The other is a letter to Col. Hay from Mr. Choate under date of January 15, 1901. I ask that both may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

AMERICAN EMBASSY,  
London, SW., January 15, 1901.

MY DEAR COL. HAY: As I telegraphed you on Friday last, Lord Lansdowne had named yesterday for an informal and unofficial conference about the Senate amendments to the Hay-Pauncefote treaty which I had suggested in my note to him of January 4. I told him at the outset that I was wholly uninstructed; that I was in no way authorized to negotiate; and to express the hope that they would be found acceptable by his Government; but that so much dust had been thrown about the matter by the press and so many things misrepresented that I thought it would be well for both of us, before he took up the amendments for serious consideration, that we should have an informal and unofficial talk, not to be made matter of record, but strictly confidential. He thought that nothing could be better or more advisable, and the conversation proceeded on that basis. I told him that my object was to clear the situation and to ascertain if practicable what, if any, obstacles he found in the way of accepting the amendments. I told him that I had repeatedly seen it stated that the Senate had assumed, by its mere vote, to supersede the Clayton-Bulwer treaty, and much criticism had been cast upon them for so doing; that, on the contrary, the Senate was acting strictly within its constitutional province and in its ordinary way in amending the treaty; and that whenever a treaty was negotiated under our Constitution it was with the knowledge on both sides that it must be submitted to the Senate for its consent and approved and be confirmed by two-thirds of that body. He seemed interested in this and said there had been an idea that they had undertaken, by their own vote, to supersede a treaty. I told him that I had also often seen it charged that the Senate was actuated by a spirit of hostility to Great Britain; that, on the contrary, I believed that its course had been dictated by no such spirit, but by a high sense of public duty and in the belief that what they did was required by the best interest of the United States, and was without any injustice or injury to Great Britain.

I called his attention to the components of the great majority vote of 65, that it included the Senators very friendly to the President and to the support of his administration, and that it was quite impossible that men of the character who gave that vote for the amendments could have been governed by any but patriotic and honorable motives. He said he gladly accepted my opinion on the motives of the Senate and their freedom from any unfriendliness to Great Britain as final and satisfactory. I told him further that, so far as could be judged from what had appeared in the press since the vote, the action of the Senate met with large support in the community, where there was a deep-seated conviction that the canal ought to be built, controlled, and managed as an American canal, but for the free and equal use of all nations upon the same terms; and that I had hoped he would come to the conclusion that the treaty, both in its original shape and as amended, accomplished that purpose and nothing more. I told him also that I thought it was the general sentiment at home that if the United States were going to expend a great sum like \$40,000,000 or \$50,000,000 in constructing the canal, for the equal benefit of all mankind, their own interests and safety should be carefully guarded, and I hoped he would find that the amendments were properly adapted to that purpose, as the Senate obviously intended. We talked over the Hay-Pauncefote treaty, and he agreed with me that it involved a general agreement on both sides that the Clayton-Bulwer treaty had been outgrown and was wholly inapplicable to the present situation and needs of the country and the world. We then took up the Senate amendments, and I asked him to tell me what objection occurred to him, so far as he had examined them, to their acceptance by Great Britain; and it soon transpired, as I thought and as I had expected, that the Davis amendment was the chief stumbling block, and I think that if that could be arranged there would be



no great difficulty about the others. He said his objection to that was that it gave to the United States, at any time and for any reason which in its own judgment made it necessary for the defense of the United States, to demilitarize the canal by departing from all the stipulations of the five foregoing clauses; even in time of peace, on the pretense or belief that it was necessary for the defense of the United States, it would enable us to close the canal against all nations even, and to do all or any of the things that are prohibited by these five clauses; that it would, at any rate in case of war, shut out the vessels of the enemy from the use of the canal, and this would be a very wide departure from the Hay-Pauncefote treaty or the Clayton-Bulwer treaty. I asked him what his Government had intended by the use of the same words in the Suez Canal treaty, and suggested that they certainly could not have intended, by their use there, any such fanciful meaning as he had suggested. He said, well, there was a very wide difference between the circumstances of the Suez Canal and the proposed Nicaragua Canal.

First, that the Nicaragua Canal was going to be very remote from the territory of the United States, which was very different from the relation of the Suez Canal to Egypt. This consideration, he said, is perhaps not so very important, in which I concurred; but then he placed his finger on the sticking point, calling attention to article 11 of the Suez treaty, which provided "that the measures which shall be taken for securing the defense of Egypt," and so forth, "shall not interfere with the free use of the canal," and that there were no such words or qualification in the Senate amendments. I told him that although that phrase was not adopted in the Senate amendments, there was the express prohibition in article 7 of the amendment against fortifications, even more explicitly than in the Suez treaty. I called his attention to the gross misstatements which had been made about the repeal of that provision by the amendments, and that it remained absolutely intact, and was obvious from the fact that the Davis amendment specifically referred to the five preceding numbered sections, and could not possibly apply to the subsequent fortification clause. He said that he was no jurist, but he feared that it would nevertheless be somewhat impaired by the breaking down of the first five clauses. He spoke of the possibility in the case provided for in the Davis amendment, of disembarking troops and munitions of war on the canal, and guns, perhaps, and wondered whether that would not be fortification. At any rate, it might be doubtful. I told him that I thought his construction of the Davis amendment was much strained; that if that amendment really related, as I thought, to actual war between the United States and some other power, the absence of the provision in article 11 of the Suez treaty was not so important; that I had no right to speak for the Senate or to say what they meant by the words; that I could refer him to the statement of Senator Lodge, given to the press on December 21, which I knew was authentic, because Senator Lodge had sent a copy of it to Mr. White, and there it was explicitly stated that the real object of the amendment was to negative the promise "to permit a hostile fleet to use the canal." He said he already had that statement, and I told him that he might accept it as the authentic statement of the Senator, who was a foremost member of the Foreign Affairs Committee, and knew what the intent of the amendments was. I told him that I thought it would be more just to impute to the Senate, in view of Senator Lodge's statement as the real purpose of the Davis amendment, to secure to the United States the right of self-defense under all circumstances, notwithstanding the provisions of the first five clauses; that all nations were treated alike in this respect, and that in case of actual war with any power, it being impossible to tell how far they would feel restrained by those provisions from attacking the United States, it was not asking so very much that the United States should reserve the right of defending themselves from attack whenever and wherever; that looking to the practical operation of the matter, given a canal always unfortified, any conflict would naturally resolve itself into a naval one, and Mr. Lodge had in that case fairly disclosed the intent of the amendment. I asked him if he supposed that in such a war the enemy of the United States would permit a United States fleet to pass unmolested through the canal, and how far they would feel restrained by the provisions of the clauses qualified by the Davis amendment, and that if that could not be foreseen, why deprive the United States in any such emergency where it deemed it necessary for its defense of the right to refuse to permit a hostile fleet to use the canal, and was it not fair to impute to the Senate the purpose not further to interfere with the free use of the canal than such necessity required, and why would not all the powers who remained at peace with the United States enjoy the free use of the canal all the while? He said he was afraid of the vague and indefinite nature of the phrase "measures which the United States may find it necessary to take for securing the defense of the United States"; that it might mean anything that the United States, in its own uncontrolled will, might see fit to have it mean. I commended him to give full consideration to the construction imputed by Senator Lodge to the Davis amendment, and said that of course I had no authority or guide beyond that.

Then, coming to the amendment which erases article 3, providing for inviting other powers to adhere to the convention, he said he found a special difficulty in that, and it was not the one which I had expected as the natural one. He expressed no objection to leaving out the other powers except this, that as by their omission the United States and Great Britain would be the only two contracting powers, the United States would be at liberty, by means of the Davis amendment, to deal with the canal as they pleased; all other powers could attack it, but Great Britain alone, as a contracting power, would have her hands tied by the contract and not be at liberty to do anything, and, dovetailing the two together, he thought the Davis amendment made this amendment highly objectionable. I suggested that this was an ingenious objection, but that here again, if he followed Mr. Lodge in construing the Davis amendment, as applicable to the occasion of actual war, it could have no great weight. Something was said about the practical effect of actual war upon some of the treaty provisions, and in that connection I called his attention to Lord Salisbury's final reason, expressed in the Suez correspondence, page 42, for accepting the tenth clause of the Suez treaty, and asked how far the same doctrine would apply to the Hay-Pauncefote treaty as amended. I do not think that this objection to the amendment striking out article 3 was regarded by Lord Lansdowne as of very great weight. I had supposed that he would lay stress upon the great benefit to be derived by all parties concerned, and, in fact, by all the world, from pledging all nations to the neutrality of the canal.

Then reverting to the first amendment, "which convention is hereby superseded," I said supposing some agreement had been come to upon the Davis amendment, securing to the United States the right of self-defense to the extent there provided, what is there left in the Clayton-

Bulwer treaty which either party should desire to retain? He said, of course the Davis amendment was directly hostile to article 2 of the Clayton-Bulwer treaty, even as construed by Senator Lodge, and that there would remain of article 1, even if the Davis amendment and the other amendment about other powers were adjusted, the express stipulation that neither party "will occupy or fortify or colonize or assume or exercise any dominion over Central America," etc., to the end of the article. But I asked, wasn't all that provided merely for the purpose of securing the primary object described in the first clause of article 1? He said he believed it was, and then as we went along with the other articles he more than implied that there was nothing of very great importance in them not provided for in the new treaty; but he said, of all his own suggestions, as I said of mine, that they must be taken as wholly unofficial, and were really what occurred to him as the matter came up; but I could discover no strenuous objections in his mind to letting go the rest of the Clayton-Bulwer treaty if it were not for the fatal objection to the Davis amendment as it stood. However, this may be the subject of very extended objections before the cabinet and he and Lord Salisbury have got through with it. I told him that I felt deeply distressed that the amendments should be so dealt with as in no manner to disturb the cordial relations and feeling now existing between the two countries; that I thought that an abrupt and blunt refusal to accept them would create some disturbance of feeling and disappointment on our side of the water, and that we should like to feel that they had received the careful consideration to which the high character and motives of their authors were entitled. He said we need not fear any harsh treatment of the matter, although he added that it was a little "abrupt," I think was his word, after they had yielded all that we asked in the making of the Hay-Pauncefote treaty, and which had then been accepted as apparently all that was desired, and in doing so they had been declared by our side to have acted with "magnanimity," that these amendments should be sent to them without a word of explanation or statement of reasons why they were desired.

I told him that this arose from the necessary procedure of having the amendments made by the Senate after the treaty had come to their hands in the usual constitutional way; that Senator Lodge's statement was immediately made to the public as an explanation and statement of reasons, and was entitled as such to careful consideration. He said if it was disappointing to us to have the amendment rejected, it was hard for them, after they had supposed the matter was settled, to have new demands made which again unsettled them; and I said that the new demands were only what the Senate regarded as necessary for the true interest and safety of the United States. I asked him how the amendments would probably be acted upon; that is, would they be submitted to the Cabinet for an immediate vote, or how otherwise. He said he thought that if an immediate vote was taken upon them it would be in the negative; that he thought there was a very general feeling against the amendments; that we were asking too much after they had yielded enough; but the matter would be fully considered, and suggested that perhaps before final action they might give a statement of grounds of objection, with an opportunity for us to answer, if we could. Our interview and discussion of the matter was in a most friendly and courteous spirit, and Lord Lansdowne was good enough to say that he thought it would do good from our point of view of the case; but you know what a courteous man he is. I made no allusion to the pending canal bill or to any prospective change in the composition of the Senate, or to the expiration of Congress on the 4th of March and the new Congress not convening in all probability until December, because I inferred that he knew all these things perfectly well, and have no doubt that he does; and my impression is that the amendments will be considered with that deliberation and caution which is characteristic of all their proceedings, and that we may not receive any answer for some time. He said that possibly he might desire to talk with me again in the same informal, unofficial, and confidential way, to which I replied that I should be happy to respond to any such invitation from him. I told him that I thought he could do nothing to promote the good understanding between the two countries and the peace and welfare of the world so much as by coming to an agreement with us on this treaty as amended. It was his birthday, and it would be a capital way to celebrate it. I can't help thinking that if the way were open for some modification of the Davis amendment by defining it in the direction of Senator Lodge's statement, so as to meet the criticism, that it might be made to mean anything that the United States should deem necessary for their defense in any way in peace or in war, this very important matter might be satisfactorily settled. In the course of our discussion I asked Lord Lansdowne if he would have been satisfied with the Davis amendment if it included the provision of the eleventh article of the Suez treaty, that measures taken in the cases provided for by articles 9 and 10 "shall not interfere with the free use of the canal," but he was hardly prepared to answer that question. The Cabinet is to meet on Friday, and it may be that before this letter reaches you the matter will be disposed of, but I do not think so.

Yours, very truly,

JOSEPH H. CHOATE.

AUGUST 5, 1901.

DEAR MR. CHOATE: I have received your most interesting letter of the 24th of July and hasten to say I agree entirely with the view contained in it.

(Then follows a reference to the "Peking matter," and then he proceeds about the treaty or the project for the treaty.)

I have read with great interest and entire approval what you have to say about our project of a canal treaty. Your "ideal," as expressed in the third page of your letter, is mine also, but we must work with the tools we have. There are several matters of detail in the project which might be improved if we were working in vacuo, but I thought it desirable to introduce as few changes as possible into the form which had already received the approval of the Senate.

JOHN HAY.

Mr. O'GORMAN. I also ask unanimous consent to have printed in the RECORD some remarks by Mr. Neal Henry Ewing pertinent to the subject we are now discussing. They are very instructive, but I shall not occupy the time of the Senate to ask to have them read at this time.

THE PRESIDING OFFICER. In the absence of objection, it will be so ordered.



The matter referred to is as follows:

[Rewritten from the Review, Roselle Park, N. J.]

THE AMERICAN-BRITISH CONTROVERSY—THE LEGALITY OF OUR FREE TOLLS.

(Neal Henry Ewing, M. A., LL. B.)

This writing aims to add its modicum to the great wave of national expression against the proposal that we retract the exemption of our vessels from the tolls of our Panama Canal; a proposal initiated by a foreign government—under plea of treaty violation—and fostered here at home from a high-minded but mistaken and hence overscrupulous view as to the rectitude of the position which our country has taken.

The question of policy of such exemption will not be entered into except incidentally, the scope of the article being the underlying question of principle which has been the matter of a controversy between the United States and Great Britain. If the British charge of treaty violation could be substantiated, we should certainly bear the humiliation of acknowledgment and reparation, for the sake of justice. But if the British charge proves an unfounded imputation, then, even though diplomatically broached, we should just as certainly repel it, for the sake of our country's standing, and, second, our country's defense.

THE REDUCTION TO ABSURDITY.

1. There are five documents comprising the diplomatic discussion of the Panama tolls exemption—the note of Mr. Mitchell Innes of July 8, 1912; the memorandum of President Taft of August 24, 1912; the note of Sir Edward Grey of November 14, 1912 (delivered December 9, 1912); the reply of Secretary of State Knox of January 17, 1913; and the note of Ambassador Bryce of February 27, 1913.

Ambassador Bryce merely urges arbitration. He states: "His Majesty's Government have not desired me to argue in this note that the view they take of the main issue—the proper interpretation of the Hay-Pauncefote treaty—is the correct view."

Thus the British Government professedly refrains from pursuing the argument, and after the lapse of a year the American contention still holds the field.

2. Great Britain has put forward two distinct arguments, the first based on the all-nations provision, and the second and later one based on the provision for just charges.

3. President Taft, in his memorandum of approval, answers the all-nations argument by a reduction to the absurd:

"If it is correct, then, to assume that there is nothing in the Hay-Pauncefote treaty preventing Great Britain and the other nations from extending such favors as they may see fit to their shipping using the canal, and doing it in the way they see fit, and if it is also right to assume that there is nothing in the treaty that gives the United States any supervision over or right to complain of such action, then the British protest leads to the absurd conclusion that this Government in constructing the canal, maintaining the canal, and defending the canal finds itself shorn of its right to deal with its own commerce in its own way, while all other nations using the canal in competition with American commerce enjoy that right and power unimpaired."

4. The British Government tacitly admits the absurdity of the contemplated state of affairs, but denies its conclusive character. This it would avoid by giving its objection a restricted scope. While impugning the virtual subsidy of the canal act, it "does not question the right of the United States to grant subsidies to United States shipping generally."

Now, on the one hand the admission is suicidal, and on the other hand the restriction still leaves the protest to the harassing absurdity.

5. The consequence of admitting a general subsidy. Under a system of nonexemption, such as is urged, a general American subsidy, however low, would operate as a partial relief of tolls. Now, since the right to subsidize is not conditioned on the maintenance of subsidies by all other nations or by any other nation, but is independent in its root, it follows that the British Government must admit a partial relieving of tolls by subsidies as permissible; and as a consequence a total relieving also, for the two cases of relieving differ in degree but not in kind. In point of fact the general subsidy (conceded as proper) need only be made high enough to offset tolls completely, and to demand a maximum limit for subsidies would be quite as clearly an infraction of sovereignty as would be their absolute impeachment.

6. Now, since total exemption of tolls (actually established by the present law) and such totally relieving subsidy (as supposedly established after the proposed Sims repeal) have the same purpose and the same effect, any distinction between the two courses of action is unsubstantial and illusory.

It follows, then, from the British admission of the propriety of a general subsidy that free tolls for American vessels are permissible under the treaty. Thus Great Britain's admission, by which it ought to escape from an absurd conclusion, cuts away all ground for its protest.

7. Furthermore, the protest for all its restriction of scope is hampered with the absurdity of conclusion. Both Governments agree that "there is no difference in principle between charging tolls only to refund them and remitting tolls altogether." For parity of reason there is no difference in principle between remitting tolls and advancing the money with which the tolls may be paid, and from the British view this last course of action would likewise fall under the adverse judgment.

8. Advancing tolls money. Let us suppose under a system of nonexemption two vessels, American and British, arriving at Colon. Let each home Government, through a financial representative, advance to its vessel the exact sum of tolls money that it is called upon to pay.

This would afford equality. For first there would be equality of tolls and second there would be equality in relief. Here, then, is a touchstone, and whichever contention will stand its test is the more reasonable.

On the one hand we find that the allowing of exemption under the present law conforms to this plan of equality; there is, in fact, as above noted, no difference in principle between the two. On the other hand, the forbidding of exemption fails to adjust with this equitable plan. For if the British contention is sound, the United States could be thus enjoined: "You (alone of all nations) are forbidden to relieve your vessels."

And if Great Britain omitted to relieve its shipping it could not charge the United States with the omission. Besides, there would still be equality in potential relief; that is to say, in relievability, just as under the present law there is this equality in potential relief which the United States for its part at once changes from potential to actual,

leaving Great Britain and other foreign nations to enjoy the like freedom of action.

There can not be at the same time rigid equality in the relation of canal and vessels—allowing no option of exemption—and also equality in the relation of vessels and home governments; the reason, of course, being the twofold character which the United States sustains. The United States by becoming canal owner did not forfeit its character of home government of American vessels using the canal. These are not ships without a country. Therefore the proposition that the United States must hold itself to equality with other nations in the matter of tolls collection—reducing itself to the level of its own most-favored nations—can only be maintained after the natural equality of the United States with other nations in the matter of dealing with its own commerce has been destroyed. The superficial equalizing finds itself opposed by an equality more substantial and fundamental.

9. Nor could the United States, on the ground that Great Britain's action in advancing tolls produced an inequality, raise the rates for the British vessels with a view to restoring equal conditions. The treaty gives the United States no such inquisitorial rights, and Great Britain would, with reason, deny that such advancing of tolls constituted any inequality within the meaning of the treaty.

Yet if the United States, as the home government for American vessels, were in its turn to advance tolls to its nationals, Great Britain would charge a violation of equality.

No rule of consistency appears here except, indeed, the extraneous one of striving for the same objective—a consistency devoid of legal value. The inconsistency is patent and vitiates its argument.

10. We may observe in passing, in view of its citation in the Hay-Pauncefote treaty, that "the convention respecting the navigation of the Suez maritime canal" leaves all nations to their right of relieving their vessels by subsidies. Great Britain exercises this right and would not deny it there to the United States.

11. The exorbitance of the protest shows in more pronounced light when we consider that the British view would forbid the United States to meet in kind a general movement operating to its detriment, even though concerted. It is not merely that the United States could not inaugurate the practice of advancing tolls—which the Panama Canal act does in effect—but it could not adopt the practice even in the wake of all the nations of the world.

Indeed, the United States would have to remain quiescent even if the world powers, in furtherance of their South American trade and in competition with the United States, should grant canal bonuses over and above the tolls money.

12. Nor is it an answer to say that Great Britain might not press its advantage in the premises and hold the United States to the extremity of these hard terms, for it is not more absurd that the United States should see its right to subsidize actually curtailed than that it should exercise this right on foreign sufferance and forbearance.

And even with a pledge from the British Government—which is lacking—that they would forego this advantage, the British contention would not be helped, for they have not so pledged themselves in the treaty; and it is the treaty obligations and rights that are under discussion.

Hence even if Great Britain limits its protest to the form of subsidy contained in the canal act, its disclaimer will not avail, and the weight of President Taft's charge of absurd conclusion falls on the protest with its full argumentative force.

From the foregoing it results, first, that the British claim entails absurd consequences even without regard to the sovereignty of the United States over the canal, and this in view of the sovereignty of the United States over its commerce and of its ownership of the canal; and, second, that the same absurdity attaches to any challenging of free tolls for our over-sea vessels as attaches to such challenging for our coastwise marine.

THE BURDEN OF PROOF.

13. As will be remarked, the conclusion to which the British protest leads is absurd, not logically but practically, and hence in the end it is a matter of possible treaty stipulation. Nevertheless the absurdity of conclusion must not be forgotten in our examination of the treaty, as is the case with the proponents of repeal generally; the absurd character of the conclusion is closely relevant, and this for the reason that it brings with it a heavy burden of proof. International law is not tender, but severe toward those who would use a treaty to wrest from a nation a sovereign right. If two constructions are possible, if two points of view may be taken, that one is to be rejected which derogates from governmental liberty.

If the British plan of attack is involved in any doubt, it is discredited, native possession holding a just vantage ground. Therefore, even if the British claim were from the face of the treaty the stronger claim—instead of being, as it proves to be, by far the weaker—it would sink beneath its burden of extravagant conclusion, unless, passing beyond such merely stronger demonstration, it could find in the face of the treaty entire and undebatable support.

In the words, then, of the Hon. William M. Collier: "The United States may grant a subsidy in any form as it chooses unless its treaty obligations by express terms or by absolutely necessary inference have restricted it."

14. If, as was suggested by President Taft immediately after the passage of the bill, the Panama Canal act were amended so as to permit subjects of foreign nations to try the question at issue in the Supreme Court of the United States, that tribunal would have for its precedent its own ruling in the case of *Ogden v. Saunders* (12 Wheat., 269):

"It is but a decent respect for the wisdom, integrity, and patriotism of the legislative body by which any law is passed to presume in favor of its validity until its violation of the Constitution is proved beyond a reasonable doubt."

Now, a violation of the treaty in the present case would be coincident with a violation of the Constitution. Thus the fact itself of the present tolls exemption militates hypothetically against the British contention for American minds. Nor could Great Britain flout this view as purely subjective, for it does not comport with international comity that one nation should in a controversy treat as negligible either the wisdom of the opposed nation or its integrity or its patriotic regard for national consistency and honor, as evidenced in its legislation.

While, then, the fact of exemption does not directly touch the merits of exemption, it is nevertheless relevant. An added doubt exists for the benefit of the American contention; an added weight falls on Great Britain's burden of proof.

15. Nor is it superfluous to observe that from the treaty correspondence and public discussions 12 and 13 years ago the British Government falls now to produce any allusion to the restriction of our right of maritime subvention which its contention involves. This argues that no



such allusion is to be found, for if available it would be cited. We are expected, then, to believe that American officials would deem no word of explanation necessary when fastening on their country a great and permanent disability.

16. Let us search the treaty for the "express terms" of subsidy restriction, or, failing this, for the requisite "absolutely necessary inference" of such restriction.

The treaty does not yield one express word impairing the right of the United States to aid its commerce by subvention. If such impairment was, in fact, considered, it is a matter for surprise and explanation that a consequence so momentous should not be thought worthy by the high contracting parties of comment or aversion, but should be left in implication.

It can not be rejoined that neither, on the other hand, does the treaty expressly permit the United States to subsidize its canal vessels, for such right does not have to seek its warrant in the treaty; it rests on the original sovereignty of the United States over its commerce and was subsisting undisturbed under the Clayton-Bulwer treaty when the present agreement was concluded.

In point of fact, if, as falls within the contemplation of the present treaty (art. 2), the canal had been "constructed under the auspices of the Government of the United States," not "directly at its own cost," but "by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares," the plea that the treaty had restricted the United States in its right to subsidize under such circumstances would be too patently wrong to be urged. Yet nowhere does the treaty make a distinction as to the consequences, in this regard, of the different plans of constructions.

17. As to the "absolutely necessary inference" of subsidy restriction in the treaty, no independent lodgment for it has been suggested apart from its disputed premise, the point of controversy, that tolls exemption is prohibited. Since, then, the extravagant conclusion of impaired sovereignty is not independently bolstered in the treaty by its own proper implication, its disputed premise is all the more to be suspected.

With an enormous handicap, therefore, placed on it by the logic and law of the case, the British contention against the right of exemption stands to be tested. Here, naturally, we are left again to implication. There is no provision by express words that free tolls for American vessels are permissible only on the prodigious terms that the United States shall forego all compensation for its vast expenditures.

#### THE ALL-NATIONS PROVISION.

18. As noticed above, two clauses of the treaty are appealed to in the protest, the all-nations clause and the just-charges clause.

Here follows the text of that part of the Hay-Pauncefote treaty (concluded November 18, 1901), the construction of which is the matter of dispute:

#### "ARTICLE 2.

"The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable."

19. The summary of argument currently advanced to show discrepancy between the canal act and the treaty is that since the United States is a nation it is necessarily included in the phrase "all nations."

But the expression "any such nation" in the very same sentence bids us look for some qualifying antecedent, which, indeed, we find. The unbroken phrase reads: "All nations observing these rules." Furthermore, the preceding section yields the pertinent fact that "the United States adopts" the rules under notice.

It is, then, a truncating of the question to ask whether the United States, being a nation, is not included in "all nations." This offers a glimpse at the treaty and not a full view. Let it be inquired rather whether the United States, having adopted rules, is or is not included in "all nations observing these rules."

There is no reason for not considering these two functions, adopting and observing, to be as distinct as are the words which describe them. To adopt rules which others must, even though contingently, observe is to lay down rules for such others; as far as any transaction eventuates, the two parties are the rule giver and the rule obeyers.

The United States alone adopts the rules, and is thus distinguished from all other nations, even from the signatory, Great Britain.

While Great Britain agrees with the United States as to what rules are to be adopted, it withdraws and allows the rules to be adopted by the United States.

Thus the very fact that Great Britain is a party to the treaty throws into relief the unique position with regard to the rules which is occupied by the United States.

20. Again, the treaty guarantees that such nations as qualify therefor shall have free and open passage for their vessels, and it is these same nations that are covered by equality of terms, since there is no intimation of a distinction, nor, indeed, by the grammatical construction, any room for it. "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality."

But since the United States controls the canal it is not necessary that it should guarantee freedom of passage for its vessels of commerce and of war. Furthermore, this would be pointless, as Great Britain could not have concern that the United States should deal fairly with American vessels. Since, then, it can not be seriously maintained that Great Britain secured the promulgation of any such guaranty as curator of maritime nations of the United States, to safeguard their interests against their own country, it follows that the United States is not a subject for treaty guaranty in the matter of canal passage. Hence, as a further consequence, the United States is not a subject of treaty regard in the matter of equal terms which are extended to all nations observing the rules.

21. Again, the treaty provides in regard to a certain class (the rule-observing nations) that there shall be "terms of entire equality" for all, "so that there shall be no discrimination against any." Now, the natural interpretation of this is that every one of the rule-observing nations shall be free from discrimination. The expression "so that" is grammatically an equation of purpose or intention and it refers "any" to everyone of the "all." In other words, the treaty contemplates the guaranty against discrimination as fully coextensive with observance of the rules. If, then, we find that the United States is

not a possible subject for discrimination, it is not included in the mind of the treaty within the rule-observing nations.

Now, since discrimination can only come from the United States—because with it rest "the regulation and management of the canal"—and since discrimination by the United States against the United States or its nationals is not a matter for British solicitude, or treaty stipulation, it follows that the treaty does not contemplate the United States as a subject for discrimination. As a further consequence, therefore, the treaty does not contemplate the United States as being included in "all nations observing these rules."

22. The treaty couples "vessels of commerce and of war." They are put on the same footing; no distinction as to tolls is made. Furthermore, in regard to foreign vessels, it is not contended by Great Britain that there is to be any distinction between them. If we would know, then, whether exemption is admissible for American vessels of commerce—the point of dispute—it is highly pertinent to inquire concerning American vessels of war. Now, exemption for American men-of-war must be, and in fact is, admitted, for any tolls levied upon American men-of-war would be supported by the owner of the canal, the United States Government. To deny, then, that the owner of the canal may relieve American merchantmen is to introduce into the case an element of confusion.

Since, in other words, under the treaty there was admittedly no intention of including one class of American vessels under equality of terms, it is more closely consistent, in the lack of distinguishing words, to deduce a lack of such intention for the other class, rather than to suppose its existence.

23. The rules of the treaty were adopted "as the basis of the neutralization" of the canal. The British Government would let "neutralization" imply "equal rights" having in view equal rates, and would actually restrict the present instance of the word to this bearing. This definition offends precedent, general and particular; for it runs counter to the accepted meaning of the word and it does not conform to the significance given to it by the same Governments when treating of the same matter.

The present treaty supersedes the Clayton-Bulwer treaty of April 19, 1850, except that the construction of a canal "under the auspices of the Government of the United States," as authorized, is to be had "without impairing the 'general principle' of neutralization established in article 8" of the earlier convention. Let us consult the source of the general principle. The main body of the earlier treaty guarantees the "neutrality and security" of a Nicaraguan canal and this neutrality can not consist of or imply equal rights, for the settlement thereof lay without the treaty jurisdiction, however much a matter of treaty concern.

Article 8 of the Clayton-Bulwer treaty provides that "the Governments of the United States and Great Britain having \* \* \* desired \* \* \* to establish a general principle, they hereby agree to extend their protection \* \* \* to any other practicable communications \* \* \*. In granting, however, their joint protection \* \* \* it is always understood by the United States and Great Britain that the parties constructing or operating the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford."

Here, then, the force of the word "general" is to extend neutrality otherwise referable to a particular canal only, so as to cover communications by all routes and by canals or railways. Neutralization has its field enlarged; and there is thus no necessity and hence no warrant for disturbing its accepted significance.

By the eighth article the signatories do not guarantee equal rights or rates and furthermore they are not in a position to do so. The understanding that the rates are to be equal is not an agreement to this effect, but simply a supposition, which, if actualized, would support neutralization. On the other hand, there is a guaranty of neutrality, although conditional. Equal rates and neutrality are not put on the same ground, but are distinguished, coming from different and, in fact, opposite sources.

Thus we see the error of the second British note in mentioning the principle of article 8, "which provides," it states, "for the equal treatment of British and United States ships."

We further read in this second note that in article 8 "there is no mention of belligerent action at all. Joint protection and equal treatment are the only matters alluded to and it is to one or both of them that neutralization must refer." It is more reasonable to say that whatever joint protection implies falls within the purview. We can not then ignore belligerency when protection is alluded to for the total content and the whole concern of protection is a refraining from belligerency and a restraining of the belligerency of others.

The British note intimates that the United States was "most anxious to get rid" of joint protection and therefore that it was not joint protection to which the United States referred in the preamble of the present treaty; continuing that, on the other side: "It certainly was not the intention of His Majesty's Government that any responsibility for the protection of the canal should attach to them in the future. Neutralization must therefore refer to the system of equal rights."

Protection as joint was certainly meant to cease. But what good reason is there to dwell on the circumstance of jointness and disregard the operation to which it belongs? Protection, whether joint or otherwise, is a restraint of others and self from belligerency to its object. Under the present system protection, though no longer joint, continues, devolving upon the United States under the first law of nature.

Protection is a burden, a "responsibility." That it should cease to be joint, that Great Britain should be relieved of responsibility, is a contract consideration extended by the United States, of which, indeed, Great Britain shows a clear appreciation in its present disavowal.

Other nations, furthermore, though they need not protect the canal, must respect its immunity from attack. This is the condition for their enjoyment of the canal privileges. In this way the general principle of neutralization is preserved.

In the same note Sir Edward Grey observes that if the present treaty secures "to Great Britain no more than most-favored-nation treatment, the value of the consideration given for superseding the Clayton-Bulwer treaty is not apparent to His Majesty's Government."

Great Britain, as will be noticed, nowhere assumes to occupy a position in regard to tolls better than that of other foreign nations. If, then, Great Britain wonders why it should be considered no more than a conditional most-favored nation in the matter of canal treatment, there is cause for it to wonder how it came to be on a level with other



foreign nations in this regard. There is the same explanation for both cases.

For, as has been pointed out by the Hon. Lewis Nixon, "the entire Clayton-Bulwer convention speaks of equal treatment, owing to the fact that equal obligations were undertaken in affording protection and in guaranteeing neutrality."

The consideration, therefore, which eludes Great Britain's cognizance is a relief from "responsibility" of protection; and its value is sufficiently evidenced in Great Britain's present emphasis on its withdrawal from the support of such burden. It is on account of this withdrawal that Great Britain takes its place in the general level of outside nations.

The following provisions appear in the treaty: "The canal shall never be blockaded, nor shall any act of war . . . be exercised within it. . . . Vessels of war of a belligerent shall not revictual . . . in the canal. . . . Vessels of war of a belligerent shall not remain in such waters. . . . The plant establishments, buildings, . . . shall enjoy complete immunity from attack." Before the conclusion, therefore, can be reached that the neutralization for which the rules are a basis must refer to equal rights only and not to belligerency, the above provisions must disappear from the treaty.

It is evident, then, that the general principle of neutralization of the Clayton-Bulwer treaty was to remain unimpaired under the Hay-Pauncefote treaty, not by equal rights and rates, something which the first treaty never guaranteed but only aspired after; something which as unestablished was not a subject for impairment; but by canal immunity (neutralization properly so called) which that treaty did in set terms offer.

24. As seen above, the imposing of the treaty rules is to be viewed as not extending to the United States because of its position as rule giver. If besides this the character of the rules is such as to render them inapplicable to the United States, then plainly the United States was not intended to be included in "all nations observing these rules." The rules are six in number. Concerning the last five, the American contention sets forth: "Then follow five rules to be observed by other nations to make neutralization effective, the observance of which is the condition for the privilege of using the canal."

A reading of the rules shows, indeed, their plain incongruity to the position of canal owner and canal sovereign.

The British Government did not controvert the statement that rules 2, 3, 4, 5, and 6 were laid down for the observance of other nations than the United States. It contented itself by explaining as to rules 3, 4, and 5 that while at the date of the signature of the treaty the canal territory did not belong to the United States, "now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection."

The British Government, however, can not evade a consequence of argument by a concession intended to dispense with the argument itself. It can not account for a status under the treaty by a present validation thereof. The title must exist by reason of the treaty or not at all. Therefore Great Britain's statement that now it does not "question" the right under consideration must stand as an admission that under the present circumstances the treaty allows the right, not that an admission naturally is required.

But if, under whatever circumstances, the treaty allows the right, it must be for the reason of original exclusion of the United States from the rule-observing nations and not for the reason of change in territorial sovereignty—unless it is Great Britain's meaning to disregard the fourth article of the same Hay-Pauncefote treaty.

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or of the obligation of the high contracting parties under the present treaty.

Nor could the British Government help its contention by setting up likewise against article 4 the rule of *rebus sic stantibus*, that the treaty was made on the supposition of "conditions thus standing," and that the passing of the territorial sovereignty, not to some other third nation, but to the United States itself, was an essential change in conditions such as was not really contemplated by article 4, because this plea would have invited disaster.

For the principle, if once introduced, can not be restrained for the required purpose of discussion; and if its standpoint is accepted, then, as is shown by the distinguished publicist, the Hon. Hannis Taylor, even if we admit for argument that the United States was originally looked upon as one of the rule-observing nations, "we have now a perfect right, under the rule of *rebus sic stantibus*, to demand a modification, as the treaty as a whole has become voidable or 'notifiable.'"

Thus, if the British Government essays to cross the barrier of the fourth article, it finds itself without a place to stand, while if it remains within the barrier, it must face the controlling fact of the inapplicability of the rules to the United States.

Senator Root remarks in his oration of May 21: "There is not a rule from the second to the fifth that does not impose duties upon the United States"; and then comes to particulars, as, for instance: "If ships of war in time of war loiter in the canal, it will be the duty of the United States to urge them forward." Assuming this to be correct, how does it help the British claim? Other nations must observe these rules and the United States must see that they do so. But how can this be tortured into the sense that the United States must observe the rule itself (as though observance and enforcement were the same thing)? And, failing this, the remark of the distinguished speaker does not meet the matter of issue.

25. The British claim of American inclusion is hindered therefore by several aspects of the treaty centering about the following phrases: "Observing these rules," "free and open," "discrimination," and of war, "neutralization," and also by the very character of the rules themselves.

Not only, then, does the impairment of the right to subsidize (the absurd conclusion of the British claim) decidedly lack any "absolutely necessary inference" on the score of inclusion of the United States in "all nations observing these rules," but the inference on this head leads us in the opposite direction.

#### THE JUST-CHARGES PROVISION.

26. To reinforce its position the British Government, in its second note, surmises that the system of American exemption would "impose upon British or other foreign commerce an unfair share in the burden of the upkeep of the canal."

The treaty provides that "the charges shall be just and equitable." Now, there are two factors determining the justness of the charges.

First, the aggregate tolls must not exceed a just maximum, the regard being had to interest on capital, to cost of operation and maintenance, and to amortization. Secondly, this aggregate must be evenly distributed so that no vessel shall bear more than its proper quota.

The first element is entirely untouched by the difference between the two systems. The second element accommodates itself as well to one system as to the other. Under exemption there merely stands the added caution that any vessels properly exempted shall be continued in the calculation as part of the volume of commerce, since such they do not cease to be. In this way the exempted tolls are not thrown upon foreign commerce, but are borne vicariously by the Government of the United States, which has voluntarily adopted this plan.

It is not relevant to say that exemption is unjust if by reason thereof the tolls are made unduly high (having in mind a voluntary effect). The unjust feature of such conjectured transaction would not be found in exemption, but directly in the excessive tolls. In order to attach it to exemption it must first be shown that by reason thereof the tolls must be made unduly high.

But under either system (exemption or nonexemption) there is the same opportunity for propriety in the matter of charges, and there is the same opportunity for impropriety, and whatever avenues of protection or redress are open to foreign Governments under one system remain open to them under the other. It is unfounded, therefore, in the absence of any necessary causal relation between free tolls for American vessels and excessive tolls for foreign vessels, that the first should be challenged on the ground of the unlawfulness of the second.

27. The British Government intimates, indeed, that with exemption it is not feasible to take into account the exempted tolls in the calculation of the rates. It does not show, however, wherein the difficulty consists. In the case of each successive change in the tolls to meet changing circumstances the computation of the tolls need not lack the necessary data. For it could hardly be supposed that the canal records would in any event be so scanty as not to show the total volume of commerce (which would include "vessels engaged in the coastwise trade of the United States"); and at all events, given an occasion for recording the volume of commerce, it is doubly unfounded to suppose that it would not be done.

And if it is to be assumed (by pure gratuity) that the United States will fail to keep the necessary records, the effect of such imagined remissness would bear as heavily against one system as against the other and would be an argument, not for repeal of free tolls, but for taking away from the United States the management of the canal after its successful construction.

For the computation of the initial tolls there is, of course, no record to serve as a basis, but recourse must be had to an estimate. Prof. Emory R. Johnson, special commissioner of Panama traffic and tolls, has set the total at ten and a half million tons for the year 1915, including American coast-to-coast shipping, and on this was based the present tolls. Since the estimate of the total commerce is independent of the system of exemption, whatever imperfection the estimate may have (it is in point of fact highly considered), it is not due to our system of free tolls.

28. That the United States, by way of reimbursement for remitted tolls, should ever levy excessive tolls on nonexempted vessels (something which the present tariff avoids with the widest margin of caution) would indeed be unjust. But in order to deduce from this the injustice of exemption it would be necessary to frame a new principle of law, namely, that "any act is itself wrong the consequence of which may later be alleged as a pretext for some other act admittedly and independently wrong." The unsoundness of such a rule would match its novelty. As Secretary Knox cogently remarks: "It is the improper exercise of a power and not its possession which alone can give rise to an international cause of action." And not only so, but even with the system of nonexemption there is no way of limiting the power and thus saving Great Britain harmless, short of Great Britain's assumption of the canal management.

Hence Great Britain's second plea, the just-charges provision, falls wide of the mark and takes its place with the objection first advanced.

#### RELATED OBSERVATIONS.

29. The liberty of the United States in the premises thus standing beyond the reach of the attack it is quite proper to dwell on the incentives to the exercise of that liberty.

Thus Senator O'GORMAN, the protagonist of the current debate, makes the telling observation that the Democratic free-tolls plank of 1912 "was the one dominant American note in that campaign." The Progressive platform, of later date, gave it a hearty response, while the Republican candidate, in a practical way, committed his party, without protest, to the free-tolls principle when, by his ready approval, the Panama Canal bill became American law.

There was, in fact, no occasion to make free tolls an issue of campaign debate, the parties being in such accord thereon and the dissentients in any party not jeopardizing their party's chances by inopportunities.

30. As exemplified by James G. Blaine, in his review of the fisheries dispute, the British Government is remarkable, alert, adroit, and eager to gain points of diplomatic interest, so strong is its maternal solicitude for the British.

It is for Great Britain a natural disappointment that the United States (seemingly in disregard of its tradition) should now enact a maritime subvention competitive with British and Canadian interests and of marked initiative.

This is the gravamen of Great Britain's real grievance, and it does not admit of legal formulation. It is a case of "loss without injury," unless we concede that the right of the United States to help its commerce has lapsed through nonuser, and that Great Britain may exploit the American tradition and has acquired vested rights thereunder.

Concurring in the estimate of Prof. Emory R. Johnson, opinion is settled that only after a number of years will the canal be self-sustaining, whether or not with tolls for all. This results, at least in part, in the United States dispensing for years to come a largess to the maritime nations.

Great Britain from its colossal commerce (nurtured on subsidies) is the chief beneficiary of this general bounty. It would thus retain the consolation of "the greatest service ever rendered to one nation by another in the entire commercial history of the world" (to quote the judgment of Senator Bristow) in the rejection of its claim that the United States may not afford the supplementary free-tolls aid to its own commerce.

Nor should Americans be asked to feel agitation over the diminution in canal receipts resulting from American exemption and benefit, while at the same time they are left to view with equanimity the above general item of reduction, several times greater, which will inure far more to foreign nations than to our own.



31. If we seek an explanation of the reversal in the Panama Canal act of the traditional American attitude toward subsidies, we find that this reversal is apparent rather than real. Our quasi subsidy owes its exceptional popularity to its exceptional character, because in its case there is accentuated the view that certain American nationals are preferred to foreign nationals, because it tends to curb the monopoly of the transcontinental railroads, and because the quasi subsidy is not payment of money, subject to varied diversion, but is service only.

There is a final reason that would seem to have special weight, and in fact to change the aspect of the case, namely, that the subsidy attaches not to the ocean voyage, but directly to the passage through American territory, thus approximating closely to our system of domestic improved waterways and canals, so that in their regard there would be "a reversal of the time-honored policy of the United States" in anything short of toll-free passage through American territory for American ships plying between American seaboard and American seaboard.

32. There is to be added that this plan of subsidy, having been actually established by American law, is subjected by a foreign Government to an attack which would involve the matter of policy into one of principle. This serves as a constraint against receding, lest suspension of the exercise of our rights (and this at the instance of our great commercial competitor) should compromise the rights themselves.

Nor is the Sims repeal bill particularly improved in this respect by the Simmons amendment, which, noncommittal as to the issue, would safeguard "any treaty or other right possessed by the United States" instead of intrinsically in direct and open words "the right of the United States to exempt from canal tolls all its vessels of whatever kind."

It is of incidental interest that American pleasure craft and ships designed to secure and keep American laurels in the great marine olympic seem to lie outside the plane of treaty contention.

33. If, as is well urged, the Panama Canal is to be a benediction to humanity, this implies that the world benefits are not limited to the shippers of the world, and hence that the shippers of any nation under notice do not monopolize from these benefits that nation's portion. If, then, the American share in the general benefits of the canal are not restricted to American commerce, then, by the same principle of solidarity, the special benefits (derived from tolls exemption) are an asset of the American people at large. Thus the wide outlook of the Panama enterprise, which universally strikes the imagination, serves to enhance the popular aspect of our tolls exemption.

It is claimed, however, that the exemption gives money to the shipowners without any benefit to shippers. This offers a dilemma. For if the shipowners do not use the money to increase their business (which is directed to one or the other of the American coasts), then competing British or Canadian commerce (directed to the same points) is not affected; in which case Great Britain's protest must be explained as academic. But this view is untenable, for Great Britain, as is well understood, has a real and practical interest in repeal.

If, then, the subsidy is used to work an increase of our coastwise commerce and an extension of our commercial flag (a patriotic desideratum); in other words, if American coast-to-coast trade will be greater without tolls than with tolls, this stimulation is necessarily brought about by lower rates for coast-to-coast shippers, for there is no other variation of business conditions to bear upon the case.

34. It has been prominently suggested that the United States should recede from its position in the matter of tolls "from a decent respect to the opinions of mankind." The allusion is infelicitous, as this historic phrase had its rise in a difficulty between the selfsame countries, when the decent respect was had, not by any reversal of action, but by making known the causes of our stand.

Curiously, as may be noted, Great Britain at that time persisted in a plan of taxing us, which taxing we resisted, while now Great Britain insists that we must levy certain taxes on ourselves.

In the present juncture the United States, by a close parallel to its former action, has not sent to Great Britain a note of relinquishment, nor, on the other hand, proceeded without a civil reply, but has diplomatically vindicated its course in two masterly declarations.

#### GENERAL CONCLUSION.

35. The following, therefore, is a fair epitome of the American-British controversy: First, that the American Government would suffer a functional impairment, both wide and fixed, through the operation of the British claim, which claim consequently international law will tolerate only if established on absolute and undebatable ground. Second, that the British Government has signally omitted to establish its claim with this unquestionable certainty, which, in view of its abnormal consequence, international law exacts; and that, far short of this, it does not afford its claim an equal or even a moderate probability, and leaves it encumbered and beset with a number of embarrassments. Third, that the controversy, which was inaugurated by Great Britain, fails for Great Britain's purpose and leaves intact the right of the United States to exempt from tolls its own vessels, as an incident of its sovereignty.

36. A regard for our treaty does not imply a regard for its forced and extreme interpretation, requiring us to forego our treaty rights. Since, therefore, the violation of the treaty is an imagination, as demonstrated by our Government, and since the British charge of violation is a reality, there is no reason why Americans should feel anxiety on the score of the one; but rather there is reason why they should refuse admission to the other, and for their country's honor cast it back.

NEAL H. EWING,  
No. 34 Nassau Street, New York.

MAY 23, 1914.

#### MR. BUNAU-VARILLA AND THE PANAMA CANAL LAW.

A REPLY TO THE ARGUMENTS OF THE FRENCH ENGINEER AND DIPLOMAT.  
[From the New York Sun of Sept. 30, 1912.]

A novel attack on the Panama Canal law is set forth in the Shipping World by the eminent engineer and diplomat, Mr. Bunau-Varilla. His argument is based on the stipulation in article 3 of the Hay-Pauncefote treaty: "The charges shall be just and equitable." This he construes to mean: "The charges shall be such as to cover the expenses of operation and interest on and reimbursement of the capital invested."

He should rather put it that the charges shall not more than cover the items specified. It could not be held that the United States violated the treaty through allowing the total receipts to fall below any particular point, even though the canal were made toll free, since the tolls themselves go to meet items to the credit of the United States. Surely the United States is not under treaty restriction in the matter of foregoing its own dues. The critic's looseness of expression is really looseness of idea; it serves as a link in his argument; for he maintains that if a large part of the trade is allowed to pass the canal free, the tolls collected will be largely diminished and universal trade

will be unduly taxed, owing to the suppression of part of the canal's earning power.

Since if a large deduction is made from any amount that amount will show a large reduction, his statement as to the diminution of tolls is necessarily correct. In contrast with this his further statement as to undue taxation of universal trade is in the nature of a prophecy; it has logical value only if we adopt the incorrect premise that by "just and equitable charges" there is implied a minimum in the proceeds which must be kept up to at all hazards.

Besides, to come particularly to the point, whatever might be the apprehension that the United States, by way of compensating for the loss of tolls, would advance the rates or fail to reduce them with the increase of commerce, the proper contention would be not against the exempting of American ships but against the exemption being used as a pretext for holding the rates too high, if this should ever come to pass.

Let the policy of canal tolls be what it may, there is always room for the possibility of the rates being too high. Exemption leaves room for this and nonexemption does not shut it out. It is plainly wrong, therefore, to intimate that there is a causal relation between exemption and excessive rates. And thus undue taxation of general trade not following necessarily from loss of American tolls, the critic's argument, which assumes the necessity of the consequence, must fall with its support. If the principle were correct, instead of being incorrect, that the income not only may but must equal the proper items of credit—whatever the exact determination of these may be—then exemption would, indeed, involve higher rates. But this unsound notion naturally invalidates any conclusion attached to it.

This wrong idea appears again in the critic's remark: "The United States is a trustee of humanity in this great work. The law just quoted puts her in the unenviable position of a trustee who uses part of the proceeds of the trusteeship in favor of his own family."

The fallacy of the ambiguous middle term lurks here. The obligation of the United States, besides building, maintaining, and defending the canal, is to draw no more income from the enterprise than is just, with reference to the outlay, and to let no more of the burden of tolls fall on any ship than is its share with reference to the total commerce. This takes effect to the benefit of the world at large; but for all that the United States remains a contractor under the treaty and not a trustee.

To be sure, there need be no objection to the use of the word "trustee" in a broad, general way if this use is consistently adhered to. But there is need of instant objection to any shuffling between this and the exact meaning of the word—"a person to whom property or funds have been committed in the belief and trust that he will hold and apply the same for the benefit of those who are entitled."

If now the "proceeds of the trusteeship" are to be applied to expenses, interest, and reimbursement, as we are told, they are to be laid to the account of the trustee itself. How misleading is the insinuation that the United States must account for the disposition of the proceeds to some beneficiary.

If this beneficiary could only be conjured up, then, of course, exemption to American shipping would be to his loss and injury, and no compensation for the loss could rightfully be secured by increasing the rates, since this would in its turn be an unwarranted levying on foreign commerce. But as this state of affairs can not obtain, it is idle to base an argument upon it. Thus we see the unfounded character of the critic's disparagement of our country in his attempted comparison.

Mr. Bunau-Varilla restates his argument in a recent article in the New York Sun, which, aside from rhetorical topics—complimentary and exhortative—is largely taken up in showing that the United States is a "trustee for humanity" in the canal enterprise. Here again he leaves the nature of the "trust" under a wrong insinuation, as though the proceeds—provided they do not result from excessive rates—do not belong to the United States Government, which is under no trust for their disposition.

The critic contends that the United States implicitly declared "that she would reimburse herself on the proceeds, but that she would not deviate a part of them to her own advantage." The proceeds, however, unless they should come with the taint of excessive rates, all belong to their collector. It is not reimbursement on the proceeds, but with the proceeds, and there is thus no part left for any kind of diverting.

Separating, now, the matters of rates and exemption, which the distinguished French critic would entangle, let us consider the rates as unduly low, normal, and unduly high. As observed above, the rates can not be unduly low; even if the United States made the canal toll free, no foreign country could gainsay this course. As far as the rates are normal, the proceeds belong in the General Treasury of the United States with its other revenues. And there then remains, fixed on its own independent foundation, the right of the United States to grant subsidies.

If, from increase of commerce or from whatever cause, the proceeds should tend to become excessive, such changing conditions must be met, and the proper corrective is clearly a lowering of the rates. And just as the occasion for the corrective is a possibility under the system of nonexemption as well as under the system of exemption, so the application of the corrective is as feasible under the second system as under the first.

Lastly, in the ascertaining of the rates the same calculation should be followed under either treatment of American vessels. Let the dividend cover the proper items of credit, and whatever difference of opinion there may be as to what these are, the matter lies apart from the question of exemption. Let the divisor include the American commerce. The resulting quotient is the rate of charges, and these are then "just and equitable." They may, of course, be lowered indefinitely at the option of the United States itself. The quota being thus fairly laid on all ships passing the canal, each country, the United States not excluded, is left free to take the burden from its commerce to its own shoulders by subsidies or, in the case of the United States, by equivalent remission of tolls.

Under the present law, therefore, the United States, in the successive readjustments of rates, must base the rates on the American ships being included in the total commerce. But it is one thing to recognize that the United States could not rightfully reimburse itself from foreign shipping for the dues remitted to American ships; and it is something quite different to contend that the United States could not relieve its ships in the first instance, the allegation being that this might serve as a pretext for such reimbursement. The only foundation for this contention would be a rule of law that any act the consequence of which might later be advanced by the person acting as a pretext or incorrect reason for some wrongdoing is itself wrong, and the absurdity of such a rule need not be pressed.



Incidentally, the incongruity of forcing the United States to charge American warships for the use of the canal would be easily seen; and the same would be true in the matter of all ships, whatever their character and number, that the United States might own. Should we, then, thank Mr. Bunau-Varilla and his fellow critics for bringing within our understanding an implied guarantee in the treaty against American socialism?

With strange inadvertence, Mr. Bunau-Varilla concedes that the United States would be perfectly free to grant subsidies "once her mandate was accomplished and her expenses of interest and operation covered by their just repartition on all ships using the canal." Let us suppose the canal law, by amendment, not to exempt American vessels—this would be "the just repartition"—and let us suppose "the expenses of interest and operation covered" by the resulting income. It would then be legitimate, according to the last-quoted statement, for the United States to grant subsidies. That this surrenders the case is plain to see. To what purpose would the Government collect tolls at Colon from American ships and return the money to the ships when they reached Ancon? As the British Government maintains there is no difference in principle between the United States charging tolls only to refund them and remitting tolls altogether.

It is a matter of notice that Mr. Bunau-Varilla, following the example of other canal law opponents, refrains from discussing the argument of the President's memorandum to Congress in which he communicated his approval of the bill. The judgment therein remains unshaken that "the British protest leads to the absurd conclusion that this Government, in constructing the canal, maintaining the canal, and defending the canal, finds itself shorn of its right to deal with its own commerce in its own way, while other nations using the canal in competition with American commerce enjoy that right and power unimpaired."

NEAL H. EWING.

NEW YORK, September 27, 1912.

Mr. BURTON. Mr. President, I listened with interest to the eloquent and able remarks of the Senator from Michigan [Mr. SMITH]. He took a wide range, but gave special attention to the bill passed by the House of Representatives on the 2d day of May, 1900. It is to that portion of his speech that I intend to address my remarks. The Senator referred to that bill as the most important enactment of many years, as having abrogated the Clayton-Bulwer treaty, as having conveyed a message to England which changed her policy toward the United States, and determined future engagements with reference to an isthmian canal.

The bill passed by the House of Representatives on the 2d day of May, 1900, provided, first, that the President should enter into negotiations with the Governments of Costa Rica and Nicaragua to obtain a route for an isthmian canal from the Caribbean Sea to the Pacific Ocean; second, that the Secretary of War should, under the direction of the President, proceed with the construction of such canal; third, that the sum of \$140,000,000 be appropriated or authorized for doing the work.

At the very outset I wish to call attention to a very palpable inconsistency of the Senator from Michigan in regard to the relations existing between the other House and the Senate. He took up three bills—first, the tariff bill of last year; described its passage by the other House and its treatment in the Senate; and, from his remarks, it would be thought that that measure was trampled upon here, trodden out of shape; that the legislation coming from the other House was in a shapeless, chaotic mass; and that it was necessary for the Senate to give it form and vitality. In reference to the tariff bill the Senator certainly recognizes the fact that there are two branches of the legislative department of this Government.

The Senator from Michigan again referred to the currency bill and the very material modifications which were made in that measure by the Senate before it became a law. He treated it as though it had been mangled out of shape in the Senate, stating that before it became a law it was an entirely different measure from that which was considered in the other House.

The fact is, Mr. President, that sometimes the House of Representatives considers a measure more carefully, and at other times the Senate. Sometimes the other House has the last word on a measure originating here, but more frequently the Senate has the last word on a measure originating in the other House; but each alike contributes to the wisdom or unwisdom of any bill.

Reference was also made to the bill now pending, with the inference that very material modifications ought to be made in it; but the Senator from Michigan overlooked the fact that this bill of 1900, to which he assigns such supreme importance, passed the House of Representatives and never went any further. It was either torn to pieces, thrown in the furnace and burned, or, if any shred of it remained, it was buried as deep as Thor's hammer. I remember very well the passage of that bill in the other House, and I accept with pleasure the badinage of the Senator from Michigan that I was a member of a small minority who opposed it; he complimented me by saying, I believe, they gathered around me as their leader. I am very willing, Mr. President, after the lapse of a little more than 14 years, to again discuss that measure. I think the fact that it passed the House of Representatives by a vote of 224 to 36 is one of the best arguments that could be adduced that a majority

is not always the best argument. Among those who voted in the negative on that bill—among the 36—were Mr. Cannon, since Speaker of the House of Representatives for four terms; Mr. Dailzell; Mr. Gillett; Mr. Lawrence; Mr. McCall; Mr. Moody, who was afterwards Secretary of the Navy, Attorney General, and a justice of the Supreme Court of the United States; Mr. Littlefield, of Maine; and Mr. Champ Clark, of Missouri, now Speaker of the House of Representatives. It is a singular fact that the nucleus of the negative vote was from the States of Massachusetts and Missouri. From the State of Missouri the negative votes were cast by Mr. Clark, Mr. Cowherd, Mr. Rucker, Mr. Shackelford, and Mr. Cooney, to whom the Senator from Michigan has made such pleasing reference.

Now, let us see whether it was a very important measure; let us see whether it changed the course of things. There was hardly an idea embodied in that bill that was not afterwards rejected. First, it intended to entirely ignore the existence of the Clayton-Bulwer treaty; its aim was to go ahead without clearing the diplomatic situation, without regard to our diplomatic obligations, and pass a bill for a canal to be owned and operated by the United States. It was in plain contradiction of the first section of the Clayton-Bulwer treaty. Whether that treaty was wise or unwise—and I must say I think of all our engagements with foreign countries that is the one of which we can say with the greatest emphasis that we obtained the worst of the bargain—the existence of that treaty was recognized at that time by all those who had given the most careful attention to the subject.

Reference was made yesterday to the fact that the then distinguished Senator from Michigan—afterwards Secretary of State—Mr. Cass, opposed and criticized this treaty. I wish to read a few words by way of quotation from Mr. Cass and from another Secretary of State, which were read when this question was under consideration in 1900 on the subject of the binding effect and the existence of the Clayton-Bulwer treaty. Mr. Marcy, in a letter written in 1853 to Mr. Buchanan, who was then our minister to Great Britain, said:

In relation to the Clayton-Bulwer treaty, about which so much is said in your dispatches, I have only to remark that this Government considers it a subsisting contract, and feels bound to observe its stipulations, as far as by fair construction they impose obligations upon it.

Secretary Cass, in 1858, when Secretary of State, said:

A considerable amount of friction having arisen, the two Governments were thrown back upon their respective rights under the Clayton-Bulwer treaty.

Again, in a conversation which is detailed in a letter written by Lord Lyons on the 15th of July, 1859, he spoke of certain public men as—

young and ardent politicians, who were loud in their condemnation of the Clayton-Bulwer treaty, who considered that the engagement not to exercise dominion over Central America was a sacrifice of interest and dignity and an unjustifiable obstacle to the fulfillment of the manifest destiny of the United States.

On two occasions in the administrations of President Grant, the latest in the month of January, 1877, this treaty was recognized as an existing obligation. An endeavor was made in the administrations of President Garfield and President Arthur to recede from its provisions, and numerous resolutions were introduced, but in 1900 it was regarded as still subsisting.

Mr. President, we might as well recognize the fact that there is a wide difference sometimes between a statesman in opposition and a statesman who has responsibility. Mr. Cass might have criticized this treaty and spoken unfavorably of it, spoken as if it were not an obligation, when he was in the opposition, but when he was Secretary of State, with the responsibility of that position, he recognized its existence.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. SWANSON in the chair). Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BORAH. Would it interrupt the Senator if I would call attention to some other views as to whether that treaty was a subsisting obligation?

Mr. BURTON. I would not care to be interrupted now. I have frankly stated that the binding effect of the treaty was questioned. Mr. Blaine, Mr. Frelinghuysen, and others sought to make it appear that the Clayton-Bulwer treaty was no longer in force. I think the Senator from Idaho had better take that up in his own time and in his own way. I believe he has already done so in some prior remarks.

Mr. BORAH. No; I have not called attention to that; but I thought it would be appropriate at this particular time, because the men whose views I desire to quote are not men who could be called young and enthusiastic politicians.

Mr. BURTON. The Senator from Idaho will recognize that I referred to Mr. Cass largely because he was quoted yesterday as opposing the validity of the treaty; at any rate, the Senate in the consideration of both of the Hay-Pauncefote treaties recog-



nized the Clayton-Bulwer treaty of 1850 as an existing obligation the binding force of which must be admitted.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I do.

Mr. BORAH. Does the Senator from Ohio think, if Great Britain had insisted upon the Clayton-Bulwer treaty as it stood, that the Senate of the United States would have recognized or felt bound by it for a single moment?

Mr. BURTON. I think they would. There is no other explanation of their course. The Senate of the United States observes its treaties with other nations, or attempts to do so.

Mr. BORAH. The Senate of the United States, through its most responsible committee, had gone upon record years before to the effect that there was no legal or moral obligation binding upon the United States by that treaty at all.

Mr. BURTON. I am perfectly aware that Senator Sherman, Senator Edmunds, and other men of prominence expressed themselves on the subject; and yet even the most eminent men have sometimes expressed themselves in regard to our foreign relations with a degree of carelessness that I think we hardly ought to imitate. When this bill was under discussion in 1900 and 1901 it was regarded as in full force.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Idaho?

Mr. BURTON. I yield.

Mr. BORAH. The expression of Mr. Sherman and of the men who were associated with him, such as George F. Edmunds, William P. Frye, William M. Evarts, J. N. Dolph, John T. Morgan, Joseph E. Brown, H. B. Payne, and J. B. Eustis, expressed this opinion, not in debate, but as the result of a thorough investigation in a responsible report made to this body.

Mr. BURTON. I have the utmost respect for all those men, with nearly all of whom I was acquainted; but their opinion as expressed in that report has not been held by our State Department, save for a comparatively brief period, and it was not accepted at the time the Hay-Pauncefote treaties were made in 1900 and 1901.

Second, this bill of May 2, 1900, to which such reference is made and which is regarded as the great bill, proposed to proceed with the building of an isthmian canal without waiting for the report of a commission, which was then in the field.

My friend from Michigan is plainly in error in stating that I asked in the debate of May 1 and 2, 1900, that a commission be appointed. That commission had already been appointed under the river and harbor act of March 4, 1899. It was composed of six or seven of the leading engineers of the country, both civil and military. Mr. Morison; Mr. Albert Noble; Prof. Burr, of Columbia University; Mr. Haupt, of Philadelphia; Gen. Ernst; Gen. Hains; and one or two others whose names do not come to me at this moment. That was the first commission which entered upon the work with plans for a thorough, painstaking examination of all the routes. They were instructed to examine Panama, Darien, Nicaragua, and all other possible routes, and a million dollars was appropriated for the purposes of their examination. They engaged a small army of subordinates and made surveys.

The bill of 1900 proposed to go ahead without any regard to that commission and before its report was made. It was proposed to pass the bill and proceed to expend \$140,000,000 under circumstances under which the Congress would hardly have proceeded to adopt a \$100,000 improvement under a rivers and harbors act. It was proposed to go ahead without knowledge, in the first place, of what was the best route, without knowledge of the probable cost and the best method of construction, without knowledge as to where locks should be located, if it were along the Nicaragua route, or how much of the total part of it should be made up of river and how much of canal.

What was done? The Senate never gave an hour's consideration to this bill passed by the House in 1900. Congress waited until that commission had made its report. It acted upon its recommendation in the selection of a route. What next? The advocates of this bill sneered at the Panama route. I remember at a later time it was argued that the declaration in the platform of the Kansas City convention in favor of a Nicaraguan canal meant the Nicaraguan route; that it did not merely mean a canal, but that it meant a particular route.

What did Congress do in this regard? They gave to the President of the United States authority to go ahead, but directed him to choose Panama in case that within a reasonable time and at a reasonable cost a satisfactory title could be obtained.

I can not, Mr. President, sympathize with the opinion that any very great degree of importance is to be given to this bill, because there is not a principle laid down in it that has not been rejected, and that, too, for the good of the country. In the first place, after mature deliberation, it was decided that it was best to have a treaty; in the next place, that this commission should make their report before we went ahead; then, that there should be some estimate of cost; and, finally, the route which the majority chose was rejected and another chosen in its place upon which this great canal has been constructed.

Mr. President, I am willing to confess to some responsibility for the opposition at that time. I am glad that the comparatively small number who stood against the passage of that bill fought the fight and went down fighting. I am glad to note that arguments were made which the country since that time has weighed, and weighed carefully; I am glad to note that the country through its respective agencies has accepted practically all the arguments and propositions put forward by the minority at that time.

I am willing also to accept the statement made by the Senator from Michigan that my opposition was, in the first instance, prompted by Secretary Hay, a man whose friendship I enjoyed and in whom I had a confidence that I have been able to give to but few men in all my life. The recollection of my acquaintance with him is and always will be one of the most pleasing of memories. Since reference has been made to his part in respect to this canal I think I am justified in saying just a few words as to what his opinions were in regard to equality of treatment in tolls.

His views were frequently expressed. It is true I never had any conversation with him in which any reference was made to coastwise shipping as distinguished from other shipping, but there is no one on this floor who in all this discussion has expressed himself more strongly or, I may say, in as strong terms as he did in those two years, 1900 and 1901, in favor of making that canal neutral and affording absolute equality to all the shipping of the world. How could he have done otherwise? Why, less than a year preceding that time he had made a demand upon the nations having spheres of influence in China for equality of treatment; he had made a demand that on the Port Arthur Railroad and the other railroads leading from Antung to Mukden, built by Russian capital, guarded by Russian police, and constructed under a concession from China, our merchandise and our citizens should have absolutely equal treatment with those of Russia. His course in that regard had been applauded by the world; it had been applauded in his own country as an achievement in diplomacy. With that fresh in his mind and fresh in the minds of the statesmen of every country with which we were dealing, where would he have been and where would the United States Government have been if it had been said "We are claiming equality with Russia and all nations on those railroads in China and Manchuria, but we are not going to give equality on a canal to be built by us at Panama"? The inconsistency of it would have cried to heaven.

Not only was that his policy, but I believe he was farsighted, for with a clear vision he looked into the future. He believed that the days of peace were nearer than ever before; that however long might be the delay, a period of greater amity and good will was coming, and not only the interest of the American people, with our expanding exports and trade, but our record as an advocate of equality in routes of transportation, demanded equality at Panama. Even more, a regard for the good name and lasting credit of the American people prompted him to make the Panama Canal, in accordance with our traditional policy to which he had so often referred, a channel which should be open to all nations alike, a trust for the world.

Mr. LIPPITT. Mr. President, the discussion of the bill before the Senate has been very largely upon the interpretation of the canal treaty with Great Britain as to whether the words "all nations" meant all nations including the United States, or all other nations, leaving the United States free to act in regard to her own ships and the ships of her citizens without regard to what policy she might pursue toward the ships of the rest of the world.

That question has been argued with extraordinary ability and at great length by many of the best qualified and ablest men in the Senate, and Senators of large experience, of great learning and ability have taken exactly opposite views as to what is the correct interpretation. Such men as the senior Senator from Massachusetts [Mr. Lodge] and the senior Senator from New York [Mr. Root], both qualified by long experience in foreign affairs, the Senator from Massachusetts having been for many years an active member of the Committee on Foreign Relations of this body, and the Senator from New York having



been Secretary of State, have opposite views as to the interpretation of this particular clause. Senators of high standing in the legal profession and of experience, such as the junior Senator from Utah [Mr. SUTHERLAND] and my own colleague from Rhode Island [Mr. COLT], a man who has had a lifelong training upon the bench and whose natural ability and experience particularly qualify him to pass a judicial opinion upon this question, take opposite views about it.

I am not a lawyer, Mr. President. I am not trained in weighing the delicate considerations involved in a judicial settlement of such a legal question as this. It is not surprising, therefore, if upon that particular phase of the subject I have not very rigid views. Nevertheless, I am strongly inclined to agree with the opinion of my colleague, and of those who think as he does, that we as a Nation are bound to the broader interpretation of this treaty. I am influenced, perhaps, in arriving at that view by the fact that, whether or not we are so bound, I think it is the wise course for us to pursue. I believe if we had not committed ourselves at all, if we had no treaty, and were absolutely free to take any course we liked in this connection, it would be the part of wisdom for us to treat the vessels using this canal that the merchandise of the world might appear in the various markets of the world on equal terms so far as tolls were concerned.

That is the traditional American view. It was the view as long ago as the time of Clay and Webster. It was the view in the time of Blaine. I believe it is the view that has been entertained by a large majority of the people of this country for many years; that it is the view taken by the bulk of the people of this country to-day; and that as time goes on and we gather experience in the conduct of this great achievement, we will be confirmed and strengthened in the wisdom of that policy.

But, Mr. President, when we decide that the treaty means that foreign ships are to be placed "on terms of entire equality" with our own we have not, to my mind, settled the question of our right to exempt our ships from the actual payment of tolls. That question is inextricably mixed up with the long-established custom of the world of subsidizing its ships, and it is generally admitted that there is nothing in the Panama treaty, whichever way it is interpreted, that forbids the United States or forbids any other nation from subsidizing its ships in the form of paying the canal tolls. Exempting our coastwise vessels is, in effect, simply a convenient way of paying such a subsidy to that class of vessels; but it is claimed that though the effect is the same the form is different, and that, therefore, it violates the "entire equality." This, it seems to me, is the real question that is at issue in determining our right to exempt; for if the right to subsidize is admitted, exemption is so clearly a form of subsidy that the right to use that form must be denied if our right to exempt is denied. The ground for such denial has been perhaps as clearly and concisely expressed by the senior Senator from New York [Mr. ROOR] as by anyone else in this body.

I have here an extract from his speech covering that point, which I will not read in full, but which I should like to have printed in connection with my remarks.

The PRESIDING OFFICER (Mr. POMERENE in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

Nor, Mr. President, is there any question here about the right of the United States to subsidize its own ships. That is as clear and as unquestionable as its right to appropriate money to put up a public building in the city of Washington. It does not rest upon our assertion, for Sir Edward Grey, the secretary of state for foreign affairs of Great Britain, in his memorandum handed to our Secretary of State on the 9th of December, 1912, says, commenting upon President Taft's memorandum accompanying the signature to the bill:

"The President argues upon the assumption that it is the intention of His Majesty's Government to place upon the Hay-Pauncefote treaty an interpretation which would prevent the United States from granting subsidies to their own shipping passing through the canal, and which would place them at a disadvantage as compared with other nations. This is not the case. His Majesty's Government regard equality of all nations as the fundamental principle underlying the treaty of 1901 in the same way that it was the basis of the Suez Canal convention of 1888, and they do not seek to deprive the United States of any liberty which is open either to themselves or to any other nation; nor do they find either in the letter or in the spirit of the Hay-Pauncefote treaty any surrender by either of the contracting powers of the right to encourage its shipping or its commerce by such subsidies as it may deem expedient."

I take the line to be at the point where title to the money vests in the United States. If the construction which I feel forced to give to this treaty is a sound one, we are not at liberty to produce the result of a subsidy to American ships by relieving them of tolls which we impose upon other ships. We are not at liberty to produce the effect of a subsidy in that way; but the instant that the money paid for tolls becomes the property of the United States, becomes a part of the general fund of the United States, the United States has absolute and uncontrollable authority in the disposition of that money. All lawyers are familiar with the distinction between accomplishing an unlawful object in a lawful way and accomplishing a lawful object in an unlawful way. To subsidize American ships is lawful. However we may differ about the policy, we have the power; we have the right; but if the

construction I give to this treaty is the correct one, we have excluded ourselves by solemn covenant from accomplishing that lawful result in this particular way; and if it be true that we have excluded ourselves from doing it in this particular way, it is no answer to say the same result could be accomplished in another way. In my view it is no concern of ours why Great Britain chooses to insist upon our keeping the covenant and not to produce the effect of a subsidy in that particular way. If this construction of the treaty is right, she has a right to say, "You shall not do that thing in that way"; and if we made the covenant, it is none of our affairs why she chooses to say it.

Mr. LIPPITT. In his statement of this particular aspect of the matter the Senator from New York said, in the first place, in regard to the right of the United States to subsidize its own ships—

That is as clear and as unquestionable as its right to appropriate money to put up a public building in the city of Washington.

He goes on to say that it does not rest upon our own assertion, but that Sir Edward Grey, the Secretary of State for Foreign Affairs of Great Britain, has acknowledged that right in a clause which he quotes. He then says that the point of difference between exemption and subsidy is as follows:

I take the line to be at the point where title to the money vests in the United States. If the construction which I feel forced to give to this treaty is a sound one, we are not at liberty to produce the result of a subsidy to American ships by relieving them of tolls which we impose upon other ships. We are not at liberty to produce the effect of a subsidy in that way; but the instant that the money paid for tolls becomes the property of the United States, becomes a part of the general fund of the United States, the United States has absolute and uncontrollable authority in the disposition of that money.

The practical effect of that statement of the case, as I understand it, is that we must collect the toll from a vessel owned by an American citizen passing through the canal, but that we can, if we choose, pay it back to that vessel at any time after it comes into our possession. I suppose the situation the distinguished Senator had in his mind was that perhaps we would collect a toll at one end of the canal upon the entrance of a vessel and that we would pay it back to that vessel as it left the canal at the other end. But, Mr. President, if we have the right, having collected that money, to pay it back when the vessel leaves the canal, we have an equal right to pay it back in the middle of the canal or we have an equal right to pay it back the instant it has been received.

We would then have this situation: In order to conform to a mere technical situation upon a coastwise vessel of the United States entering the canal its master would hand to the representative of the United States Government a package containing the amount of money necessary for the toll, receive a receipt for it, and the United States officer would immediately hand that same money back to the captain of the vessel and receive his receipt for the payment.

It seems to me that reduces the matter to an absurdity. Certainly the nations of the world could not demand that we should go through any such entirely useless form as this. It accomplishes no useful object. It is of no benefit to the commerce of any other nation using the canal. Nevertheless, if we have the right of returning this money at any time we like, undoubtedly that is the situation that would exist. Moreover, we must have the right to some such procedure to be on equal terms with the position other nations may take in regard to subsidies.

Canada, for instance, may have a great interest in paying the tolls of Canadian ships using the canal. If she should do it and we did not, she might attract a very considerable commerce from the United States; and if she subsidized, doubtless she would do it in the simplest and easiest form. The easiest form, perhaps, would be for her to have a fiscal agent at each end of the canal. Upon the arrival of one of her ships whose tonnage was known, her agent could simply hand to the representative of the American Government the money necessary to pay the tolls, and the captain, perhaps, might not even have to come ashore at all.

Mr. President, though it has been asserted that to conform to the treaty, this red tape has to be gone through with, so far as commercial vessels are concerned, the futility of it is admitted as applied to other classes of ships. The Senator from North Dakota [Mr. McCUMBER] takes that view of it. He says:

It was not necessary to specifically exempt our war vessels, even though both countries knew that the spirit of the agreement would not be abrogated by allowing our own war vessels to pass without tolls, because the payment of tolls would be but idle ceremony, the taking of money from one pocket and putting it into another, so that no intelligent nation could make complaint that we did not make the actual transfer from one pocket to the other.

Mr. President, if it would be simply an idle ceremony in the case of our war vessels—and I thoroughly agree with that



statement of the case—it would be no less an idle ceremony in the case of our vessels of commerce. I can see no reason why a form that is the same in all its points is needless in the case of one class of our vessels, but is absolutely necessary in order to protect our agreement in the case of other vessels. So I think if we have the right to subsidize we have the right to exempt, provided, of course, we take the exempted tonnage into account in fixing the rate of tolls. We can not so arrange the matter that unexempted vessels would pay an additional rate because of the exemption.

But the mere fact that we have the right to do one thing or another is not in itself a reason for exercising that right. Our decision as to the course we should take on this question must be governed by other considerations than the mere fact that we have the right to exempt. I find one of those considerations in the situation in which this matter has been put by President Wilson in his very brief message of March 5, 1914, on this subject. He uses this language:

In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view.

If he had stopped there, I should probably have complied with his request; for I, too, believe it is a mistaken economic policy. When this matter was before the Senate at the time of the passage of the Panama Canal act I was not in favor of exempting our coastwise ships, or any of our ships, from the payment of canal tolls. I did not vote upon the question, because I was paired at the time with a Senator who favored exemption; but if I had had an opportunity to vote upon it I should have voted against the exemption. As a matter of economic policy I believe now that it is not wise to exempt our ships. It does not, however, seem to me that for the present, anyway, it is a very important matter from the standpoint of our domestic economy. The amount of tolls, if paid, is estimated at about \$1,250,000, and that is not enough to have any great effect on our commerce either way.

But the President of the United States goes on to say, referring to the exemption:

And is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

It seems to me, Mr. President, that if we pass this bill there is no possibility that it will be viewed by the people of the world otherwise than as an agreement with that position of the President. Whatever view one Senator or another may have with regard to the reasons which may induce him to vote for this bill, whether based on treaty rights or domestic considerations, I thoroughly believe that in spite of any amendments we may make to the resolution that fall short of a plain declaration asserting our right to exempt our vessels from tolls the views of the other nations of the world would be that we have waived that right.

In addition to that this tolls question involves several other considerations. Great Britain, in her communications on this matter, has not confined her remarks entirely to this one question of the exemption of our coastwise vessels. She makes several other assertions in her communications to us.

She takes exception to our exempting from tolls the vessels of Panama, as we have done by treaty. She also apparently takes the view that the use of the canal by our naval vessels must be taken into consideration in fixing the rate of tolls. She makes a further statement in connection with the rate of tolls that would be allowable for us to charge that I think ought not to be left out of sight in the consideration of this question. I refer particularly to the claim she makes that in fixing just and equitable tolls we can take into account only the interest, the maintenance, and the operation of the canal.

I have not heard any mention made in this debate of that particular phase of the question, but it seems to me it is one of great importance. Interest, in the ordinary acceptance of the term, does not include profit. It means simply the amount of income that is received from bonds and securities of that kind. It does not seem to me that the United States, in fixing the basis for its tolls, is in the slightest degree limited to the mere question of the amount of interest that may be necessary to pay the yearly cost of our bond issue. In the case of the Suez Canal, which is largely owned by Great Britain—she does not quite own a majority of the shares, but comes very close to it—the tolls are fixed at a rate that for the year 1911 paid a profit of 33 per cent to the owners of that great engineering work, and for many years prior to that time the tolls had amounted to rates which paid a profit running all the way from 20 to 30 per cent.

It seems to me, therefore, that all these questions, and perhaps others, will be involved in a settlement of this matter, and

that before we commit ourselves to the abandonment of any rights which we may have in regard to the canal the only proper way, the only businesslike way to proceed, is to so act that all the questions will be considered at the same time and adjusted in accordance with some common principle. It seems to me that it might very reasonably be done in the ordinary course of diplomatic conference; but if that is not possible or not successful, the former Secretary of State, Mr. Knox, proposed that there should be a commission which should take the matter under consideration, to the end that the questions of fact might be settled and the issues might be clearly defined, and he refers to the fact that a provision for such purposes had been suggested in the proposed arbitration treaty with Great Britain.

If that is not a satisfactory method, then, by all means, we should refer the question to arbitration; but when we refer it to arbitration it should be not simply the one question of the payment of coastwise tolls, but all the questions involved in our relations with the other nations of the world that have so far arisen in the discussion of this subject.

It seems to me that is the businesslike way to handle it; that is the way that will lead to the least confusion in the future; and that is the only way that will avoid our being liable in the future to be placed in a very perplexing and difficult situation.

Mr. TILLMAN. Mr. President, in considering this question of tolls there are many aspects, some of them startling and almost ludicrous. The Democratic platform declares "we favor exemption from tolls of American ships," and so forth. This is plain, explicit, and easily understood. The act "for opening, maintenance, protection, and operation of the Panama Canal and sanitation and government of the Canal Zone," approved August 24, 1912, has this provision:

No tolls shall be levied upon ships engaged in the coastwise trade of the United States.

This enactment simply makes into law what the party had demanded at Baltimore, and the Democrats who voted for it thought they were following the platform of the party. The bill we are considering repeals this provision absolutely, and the President asks us to pass it on the ground that it is a subsidy and therefore contrary to time-honored Democratic principles. He said that it "constitutes a mistaken economic policy from every point of view." The party has grown old in opposing subsidies. From its very origin it has been against such a policy. In a speech in New Jersey, which has been often quoted and thrown in our teeth, the President explained the object of this plank and indorsed it fully—not only indorsed it, but praised it for the service it would render the farmers of the country. In that same speech the President also said, "Our platform is not molasses to catch flies. It means what it says." It will be hard to make the average voter understand the contradiction and seeming betrayal of the people in not carrying out our pledges. Democratic candidates in the next election will be kept busy explaining and apologizing, which is very uncomfortable to have to do.

The plank in the platform about the merchant marine reads as follows:

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine, which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

This language, too, is plain and explicit; but to some minds why the ideas are inconsistent and destroy each other is hard to see. We alone built the canal and have spent \$400,000,000 in its construction, and many people feel that our country ought to get all the benefit possible from it for its citizens. We have spent hundreds of millions on other improvements to canals, rivers, and harbors for the public welfare, and they are free to all the world. Why should we levy tolls on this one only? The canal, broadly speaking, is merely an extension of our coast line by joining the two oceans together. Why exact tolls from our citizens for passing through it, then? The only argument why American ships going through the canal should pay tolls like ships of other nations is either because of our treaty obligations or because all the people can not enjoy the benefit alike. In the very nature of things all the taxpayers in the United States can not enjoy the same privileges in regard to the canal as those owning ships do. It was a national enterprise, undertaken primarily on account of the United States Navy. The object lesson presented by the long and dangerous voyage of the *Oregon* from our western coast around Cape Horn during the Spanish-American War, only arriving just in time to participate in the Battle of Santiago, had much to do with hurrying up the construction of the canal. It required the united efforts of all the people of our country to furnish the money to carry this gigantic work to a success. But for its national importance it would not have been undertaken by this Government alone. The upkeep



of the canal will require a deal of money, to say nothing of guarding it. It will be many years before money received from tolls will come near equaling the expenses to maintain the canal and provide a sinking fund. Whether the remission of tolls would be a subsidy or not is not worth while to argue. If we remit the tolls entirely to our coastwise ships, those owning them would get the benefit of the Nation's bounty and have the enjoyment of special favors which all the people can not have. This is the policy of Republican protection, and the Democracy has declared that policy to be "robbery."

We hear much about a "shipping trust," but the most complete monopoly in the United States at this time is our coastwise trade. Not a passenger or a pound of freight can be carried from one port to another in the United States except in an American-built ship. Our navigation laws need mending as much as, indeed more than, this law which we propose to repeal; and I would gladly support an amendment to allow vessels built abroad and purchased by our citizens to obtain American registry and enter into our coastwise trade. We created the Shipping Trust by this favoritism. If our people can buy just as good ships as we can have built at home, far cheaper, why not allow them to do it? To my mind, it is absurd and outrageous not to do so. All the trusts in America owe their origin to this same cause.

The protective tariff has been the nursing mother to monopolies, and is the fruitful source of many inequalities and injustices which now exist. We ought to do away with the last vestige of it, and in order to do so we will have to make radical changes in our navigation laws. Indeed, I believe that it is the thing we ought to do at this very time. We pass resolutions and put planks in a platform about the merchant marine, but we do nothing practical.

While the American flag used to float from the mastheads of our wooden ships in all the seas of the world, we do not seem to be able to compete with foreigners in building ships of steel or in running them. In those good old days when our commerce was so flourishing, the "Yankee clipper" was famous throughout the world; but our New England friends, having found they could persuade the Congress of this country to "protect" them, immediately set about concocting schemes to rob the balance of the people for their special benefit, and we are keeping it up until this day. I am bound to believe that it is the paramount duty of the Democracy, now, while it is working upon the bad laws passed by our Republican predecessors, to take care that this one particular law shall no longer hamper and throttle our commerce. We should be able to build ships as cheaply in the United States as they are built abroad, just as we can make armor here as cheaply as they can anywhere; and why not do it? While we have revised the tariff downward in no uncertain way, and changed the law in many particulars, the policy of protection is still allowed to control in too many things. We are forever confronted with some of the devilry which has thus grown up, giving one class of citizens favors and compelling the balance of us to pay tribute to those favorites.

The debate on this question of tolls has been very able and has been conducted in admirable spirit and temper, but the question is kaleidoscopic and more difficult to unravel than any other with which we have had to deal this session. I admire the President very much. I believe he is entirely loyal to the public welfare and to the party's interests as he understands them. His patriotism and integrity of purpose can not be doubted for one instant. Well-nigh all the people trust him, and most Democrats are learning to love him more and more. He will go down in history as one of our greatest Presidents. If he succeeds in emancipating the white people of this country from the thralldom to money and bonds, where the Republican Party has placed them, he will deserve and occupy a place alongside of Lincoln in the estimation of posterity. I have felt that as the first Democrat in half a century—real Democrat I mean, for I never regarded Cleveland as a Democrat—it is the duty of every man who claims to be a Democrat to support him in all his policies, wise or unwise. If he makes blunders, let us all make blunders and stand shoulder to shoulder and fight it out on that line and go down together. This has been my policy and desire since his inauguration.

But it does stagger my common sense, and I have been unable to understand just why he projected this fight into the party at this time. The canal will not be completed and ready for use until 1915. He could have waited until the regular session next year and then brought the issue to a test. There was every argument in favor of delay. It is of great importance to the Democratic Party to control the House of Representatives at the next election, and I believe the President should have kept quiet until that election was over. It would have been the best

statesmanship as well as the best politics to have done so. Until this issue was pressed to the front the course of Democracy had been onward and upward. While the opposition was intense and bitter, it was hopeless and helpless. This is the first jolt or check it has received. I do not believe in the Machiavellian principle of politics—deception and hypocrisy—but there would have been neither displayed in remaining quiet. There was wisdom in silence and it would have been "golden." This question was not a burning issue at the time when he read his message in the House of Representatives to the joint assembly. There are so many things of more importance that the Democrats ought to do, that I must say, in my opinion, it was a great blunder on the part of the President—and I say it with all due respect—to have precipitated this fight now. The Democratic Party instead of presenting a solid, united front is split into contending factions.

While the Republicans, too, disagree on this important subject, both wings of that party—I mean the Progressives and "standpatters"—are smiling complacently at the division in the Democratic ranks. They had well-nigh given up all hope as far as the next election goes. Now they are pricking up their ears and scenting victory from afar. I have been glad to see what while Democrats are very earnest there has been no anger or bad temper shown, and I feel safe in saying that, whatever the result of this contest may be, after the vote is had a solid Democracy will move forward behind the President and try to redeem all our party pledges. It would be almost a crime for the Democracy to hesitate now and not finish cleansing the "Augean stable." We can not hope under the rules of the Senate to pass very much constructive legislation during the short session. If we lose the next House, all the reforms so necessary would have to be done between December and March. An extra session, with one branch of Congress controlled by the Republicans, would only be able to pass the appropriation bills. The Democracy should make hay while the sun shines, and I am glad to see the President pressing the anti-trust legislation so vigorously. I am sorry that he did not include rural credits in the legislative program. He will have to face much criticism on account of his failure to redeem his promise made last winter just after the passage of the banking and currency law that this would be done. The farmers are a mighty power, who are just beginning to understand what their real interests are.

The question of "What is a Democrat?" and "What is Democracy?" are being earnestly asked, for our boasts that the platform was not "molasses to catch flies" accentuates the inconsistency and apparent betrayal. Men who are perfectly honorable and loyal to the truth are explaining why they are voting to reverse their action on the tolls matter. Even the "Bull Moosers" are growing hopeful and boasting. Theodore Roosevelt, the great Advertiser, has returned from Brazil, and, true to his nature, he is "dee-lighted" to see how much the newspapers make of him. Of course those familiar with his methods know that he is furnishing a great deal of the "copy" and some of his friends are paying for this free advertising.

When David B. Hill, the great and distinguished predecessor of the Senator from New York [Mr. O'GORMAN], in opening the Democratic campaign at the Academy of Music in Brooklyn in 1885, said, "I am a Democrat," it was startling because of its simplicity and triteness, and evoked a loud outburst of laughter and applause. The cartoonists of the Republican press took it up and had much fun at his expense.

Should Senator O'GORMAN in the coming campaign address an audience on the same spot he, too, could say, "I am a Democrat," and could point to his long and distinguished services as a leader of the party in his city and State. But he would have difficulty in explaining just what a Democrat is, and would be twitted with a number of questions that can be asked about this canal matter. Some will ask why two planks so antagonistic were put in the platform and how they got there? Whose fault was it that Democracy is thus made a spectacle in the eyes of the people of the country? The Senator from Montana, who acted as secretary to the subcommittee which finally drafted the platform into words, has told us all about the discussions in that committee and how this plank came to be there. The President himself told me frankly that when he made his speech in New Jersey explaining and praising this plank he did not know its real meaning and that he had never studied its full effects. And I am bound to believe Mr. Bryan was also napping, though he was the most alert man in the Baltimore convention that I saw there and was so agile, virile, and vigorous as to astonish his old friends as well as his enemies. We have from high authority that—

Even the worthy Homer sometimes nods.



And we must charitably suppose that both the President and his Secretary of State were caught napping—the one when the plank slipped into the Baltimore platform, the other when he made a speech praising it.

I had made up my mind, however, to vote against the repeal of this law, preferring that we should arbitrate the matter with Great Britain, if necessary, rather than be chargeable justly with bad faith in keeping a treaty. I still believe this would have been the best way out of the dilemma. The testimony is so conflicting on what the treaty really means and what are our obligations under it, and so many good men and able lawyers differ honestly in regard to it, that I thought it better to submit it to the judgment of an unbiased jury and abide the result. To me it seems that it would be better to submit to arbitration, even though we knew we should lose the case, than be made a laughingstock, as we now are. If we, as a nation, have lost caste with other nations, as is hinted rather than asserted, because of our action on this canal matter, it would certainly be less mortifying to have the other nations join with Great Britain in telling us so, than voluntarily to declare that we wanted to take advantage of England contrary to our treaty obligations, and were shamed into decency by the public opinion of the world.

Then, too, there was a peculiar condition, personal or local in its nature, which embarrassed me very much.

Senators will remember that in 1902, while Hon. John L. McLaurin was a Senator from South Carolina, he and I came to blows on the floor of this Chamber, because I had charged him with selling out to the Republicans on the Spanish treaty, which charge he dealt with bitterness and called me a liar. This I promptly resented with a blow. Some of the older Senators who witnessed the scene are yet with us; but I do not propose to go into any further details. I merely mention it in order to explain why it is embarrassing for me to vote for this repeal. At the next State Democratic convention following the encounter between McLaurin and myself I urged and succeeded in having passed by the convention a provision changing the constitution and rules of the party in South Carolina so as to require each candidate for the Senate and House to subscribe to the following pledge. This is the pledge that every candidate for the House and for the Senate in South Carolina has to take to-day:

I will support the political principles and policies of the Democratic Party during the term of office for which I may be elected, and work in accord with my Democratic associates in Congress on all party questions.

I wanted to tie his hands.

This was made for McLaurin, and everybody understood why. While his betrayal of his trust was very flagrant and fully warranted my characterization of it, it was no more clear and explicit than this question of tolls, for where will we look for "Democratic policies and principles" if not in the party platform? Where will we get plainer language than the pledge at Baltimore on this subject? There has been no caucus of Senators or Democrats to determine what is the party policy. The platform says one thing; and the President has indorsed and praised the platform and explained that very thing in a speech. No authoritative repeal or disavowal of the platform at Baltimore has been uttered by anyone, and Democrats everywhere are very much muddled. The President alone urges the repeal, because, in his judgment, it is necessary to maintain our honor as a Nation.

I would be very unhappy if McLaurin could justly charge me with prescribing physic for him which I myself am unwilling to take. Should I fail to stand by the party platform and vote for the repeal, he could justly say that I am inconsistent. I have always prided myself on my frankness and bluntness in speaking just what I believe to be true. The predicament we are now in has caused me more worry than anything that has happened in a long while.

We have just had another State convention of the Democratic Party of South Carolina, and that convention indorsed President Wilson's administration in no uncertain terms. Indeed, it went further than good taste or truth seemed to demand or allow. It said:

Recognizing in the President the greatest moral force that has been in the White House during the past century, we heartily commend his efforts to secure a repeal of this Panama free-tolls act, a law enacted by a Republican Congress and signed by a Republican President regardless of national honor. We condemn this law as undemocratic and against the economic policy of our party and country. We believe that this law would create a shipping trust and would repeat the outrageous scandals of the building of our transcontinental railways. We demand that our Senators vote for the unqualified repeal of this act, and thus support the President in upholding Democratic principles and the honor of this Nation.

I want it distinctly understood that political considerations have not influenced me one iota, because I have five years more to serve, if I live, and I do not have to appear before my people until my time is out. I will die, I expect, before that, but I do not intend to die until I am obliged to, and my health, as you all can see, is very good and improving slowly every day.

It seems to me that this resolution is much exaggerated, and a milder and more conservative utterance would have been in better taste. Woodrow Wilson is recognized by all as a great statesman and a good man, but his best friends will not claim for him infallibility, and he has too much sense to listen to flattery. He has acknowledged to me that he had never studied that plank in the platform nor analyzed it, and was led to indorse it and praise it because the party at Baltimore had put it in our platform. He is a great exponent of Democratic principles, but even he, when reading such resolutions as our State convention passed, must remember that there have been many great Democrats in the "past century"; that Madison, Monroe, and Jackson have been Presidents during that time, to say nothing of Lincoln. Therefore I know he will agree with my criticism.

Democracy, according to my definition, is a government by the people, speaking through a majority; and as all the people can not assemble in one body at one time, they can act only through their representatives. Therefore a Democrat means a man elected by the people, who obeys the people and serves their interests honestly and equally. Equality of opportunity and equality of burden is as fundamental a principle of Democracy as local self-government or State rights.

I know the repeal of this bill is right because it is in accordance with old Democratic principles, and I am glad the party leaders have returned to the beaten paths and will stand by those principles for which our party has always stood.

This trouble about the Baltimore platform only shows the vital importance of the work done by the committee in our national conventions and the very watchful care that ought to be taken to prevent "jokers" from being incorporated in such important papers.

The delegates to the Baltimore convention from South Carolina in 1912 stood by Woodrow Wilson from first to last, and I believe the support our State gave him is largely to be credited with his triumphant nomination. Therefore, in a peculiar sense he is South Carolina's more than he is Georgia's or North Carolina's President, and our people love him.

Like the good Democrat he is, at first he fell in line and tried to explain and defend this exemption of American ships from paying tolls. He saw it in the platform and, of course, thought it was right; but the moment he analyzed it he saw the pernicious and wrong ideas it contained, and has had the courage to lead the party back to the pathway of duty to the people—a majority of the people, not favorites and those who are to be especially looked after and cared for. That is Republican doctrine, not Democratic, and I am glad that we propose to spew it out of our mouths. I shall, therefore, vote for the repeal, notwithstanding the Democratic platform.

Mr. GORE. Mr. President, the issue involved in this controversy is clear cut and unmistakable. It is not so obscure as seems to be the language of the Hay-Pauncefote treaty out of which it has arisen. It is simply this: Shall we repeal the act exempting our coastwise vessels from the payment of canal tolls? This issue, however, involves five distinct, yet related, questions: First, Is the remission of tolls equivalent to the granting of a subsidy? Second, Is the granting of a subsidy just as a matter of principle and wise as a matter of policy? Third, Is the Democracy bidden and bound by its platform to support such a subsidy? Fourth, Is the Government of the United States forbidden by treaty obligation to grant such a subsidy or discrimination? And fifth, Which is paramount—a platform promise or a treaty obligation?

Mr. President, that the remission of tolls is equivalent to a subsidy has not, indeed, been controverted. To ask that question is to answer it. No one would deny that, if the Government should first collect tolls and then return them to the shipowners, that would constitute a subsidy. The character of the transaction is not changed by the circumstance that the shipowners are allowed to retain the tolls in the first instance. The effect upon the General Treasury is the same. The effect upon the private treasury of the shipping concerns is the same. In both instances the shipowners receive and enjoy the money, and the people are taxed to supply the deficiency thus occasioned. That, sir, involves every element of subsidy.

We are not, however, left to mere speculation or to abstract reasoning upon this point. The whole matter is concluded by



the very highest authority. Former President Taft, in a speech delivered in January last, used this conclusive language:

The idea of Congress in passing the bill and my idea in signing it was that we were thus granting a subsidy to our coastwise vessels.

No one will deny that, for once at least, former President Taft did not err. But, sir, I cite even a higher authority, an authority more commanding and more convincing. I refer to the senior Senator from the State of New Hampshire [Mr. GALLINGER]. That Senator has been the avowed apostle, he has been the acknowledged champion, of ship subsidy these many years. He has advocated such a policy certainly in season and, as some think, out of season. He was the chairman, I believe, of the Merchant Marine Commission; he prepared and submitted an elaborate report recommending that the Government of the United States subsidize its vessels engaged in foreign commerce. I do not recall that he recommended a subsidy to our coastwise vessels.

During this debate my colleague [Mr. OWEN] asked the Senator from New Hampshire if the remission of tolls was not equivalent to the granting of a subsidy, and that Senator, with his accustomed candor, answered, "It is exactly the same thing." He did not say that it was the same in effect; he did not say it was analogous to a subsidy; but he said, with perfect truth, "It is exactly the same thing." Mr. President, it is the same thing. Both are gratuities out of the Public Treasury in behalf of private enterprise.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER (Mr. SWANSON in the chair). Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I do.

Mr. GALLINGER. I believe, Mr. President, the Senator from Oklahoma quotes me accurately. I know he intends to do so, and I have every reason to believe he does.

Mr. GORE. Yes, sir.

Mr. GALLINGER. I answered the question of the Senator's colleague frankly and squarely and without equivocation or qualification, that, according to the interpretation given to subsidies by the Democratic Party, this remission of tolls is a subsidy.

The Senator from Oklahoma says that in the report submitted by the Merchant Marine Commission, of which I was chairman, no mention was made of subsidies to coastwise ships.

Mr. GORE. Mr. President, I said that I did not recall that there was.

Mr. GALLINGER. Of course, Mr. President, no mention was made of that, for the reason that our coastwise ships are protected by laws that have been on the statute books for a hundred years against competition with foreign ships. My only contention as to coastwise ships passing through the Panama Canal is that that is an American waterway, and that they have the same right of exemption from competition with foreign ships there that they have in other American waters.

The Senator from Oklahoma will recall the fact that I have heretofore suggested that we are constantly voting subsidies in bills which we are passing here from day to day that are less defensible than any subvention which we are giving our coastwise ships by the legislation of Congress. I did not mean to use that term exactly in the connection which the Senator applies it; I meant if the Democratic contention regarding subsidies was correct that this was as much a subsidy as are certain other things that we are voting from day to day, and I stand by that proposition. We are now, according to the Senator's interpretation of a subsidy, subsidizing our ships in the foreign trade. Under the provisions of the act of 1891, commonly known as the ocean-mail act, we are granting relief to our ships engaged in the over-seas trade to a certain extent beyond what they are earning by carrying our mails; but unless we gave them that relief we would not even have the few ships that we to-day have engaged in the over-seas trade. I think we have only 10 or 11 such ships altogether.

The last bill that I reported to the Senate and advocated was a bill proposing to increase the postal subvention to a small amount, so that we might keep the vessels engaged in the over-seas trade, especially those on the Pacific Ocean, which were then tied up at the docks at San Francisco rotting at their anchors, regularly on the route to the Orient and Australasia. Two or three of those vessels are now running across the Pacific, because little New Zealand is adding a subvention to the small amount of postal subvention that we are granting to those ships. If it were not that New Zealand, a colony of Great Britain, is adding something to what we are allowing the ships that are sailing across the Pacific Ocean to Australasia to-day, those ships would be tied up at the docks in San Francisco.

I thank the Senator from Oklahoma for permitting me to interrupt him to say this much.

Mr. O'GORMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. GORE. Certainly.

Mr. O'GORMAN. I should like to ask a question of the Senator from New Hampshire, who has given so much thought to this very important question. If the ships to which the Senator alludes and which are now aided in part by New Zealand did not have that aid and were tied up at the docks in San Francisco, what would be our postal facilities with New Zealand and that part of the world?

Mr. GALLINGER. We would be absolutely dependent on foreign ships, as we are to-day, practically, in our postal facilities with South America.

Mr. O'GORMAN. That is what I supposed.

Mr. GALLINGER. When our Government wants to transmit our official dispatches to our ambassadors in any of the capitals of South America they are sent to Europe and there transhipped. Our official correspondence goes in that way, largely because we have no adequate ships going to South America.

Mr. O'GORMAN. Does the Senator know of any other maritime nation dependent upon the foreigner as we are in this respect?

Mr. GALLINGER. Absolutely none. The President of the United States did me the honor the other day to quote almost exactly a sentence which I used in a speech I made in this Chamber two years ago, or thereabouts, in which I said that if a commercial house depended upon its rivals to deliver its goods disaster would come to the house thus dependent upon its rivals; and that is as true to-day as it was when uttered.

Mr. STONE. Mr. President, will the Senator from Oklahoma yield to me a moment?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. GORE. I yield to the Senator.

Mr. STONE. Without entering into a discussion of subsidies or of the merits of the legislation referred to by the Senator from New Hampshire, granting what he calls postal subsidies to ships carrying mail between San Francisco and Australasia—passing the merits of all that by for the present, I am curious to know, after listening to what the Senator from New York has just said, whether that Senator favors a policy of ship subsidies. What he has said would seem to indicate that he does.

Mr. O'GORMAN. Mr. President, there has been no declaration of the Democratic Party at a national convention in many years that has not contained a pledge that the Democratic Party favored legislation which would tend to a revival of the merchant marine of this country. If the distinguished Senator from Missouri knows of any way in which the merchant marine of this country can be restored, except by bounties, subventions, or subsidies, I should be glad to have the benefit of his knowledge or judgment on that subject.

Mr. STONE. The Senator has not answered my question. Does the Senator from New York believe in granting subventions or subsidies to promote the maritime interests of this country?

Mr. O'GORMAN. Mr. President, I regret that I am compelled to reply that the distinguished Senator from Missouri shows no disposition to answer the question that I ventured to address to him.

Mr. JAMES. Mr. President—

Mr. STONE. Just a moment. I think our merchant marine can be resuscitated without granting subsidies. I think I could give good reasons for that faith. But, of course, Mr. President, to enter upon that and elaborate it would take considerable time, which I can not consume at this juncture and in the time of the Senator from Oklahoma. I am against subsidies; and I contend that they are not necessary to the restoration of our merchant marine. The Senator from New York must mean, if he means anything by what he has said, that he stands here as an advocate of ship subsidies.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I yield.

Mr. GALLINGER. I rather regret, Mr. President, that this discussion has been precipitated, because I am very anxious, for one, to vote on the bill that is under consideration. I will suggest to my learned friend from Missouri, however, that there is a bill now before the Committee on Commerce, of which he is a very prominent member—

Mr. STONE. I am not a member of that committee.



Mr. GALLINGER. I thought the Senator was.

Mr. STONE. I was, but I am not now.

Mr. GALLINGER. Then I will suggest to the Committee on Commerce that there is a bill before that great committee, introduced by me at an early day in the present session, proposing to increase the mail subvention under the act of 1891, known as the ocean mail act, and if the committee will report that bill out, either adversely or favorably, we can then have a discussion of this subsidy question, in which I shall be very glad to participate. The fact is that under the ocean mail act of 1891 we are now giving subvention to our ships engaged in the overseas trade, and no Democrat, so far as I know, has risen in this Chamber at any time to say that he wants to repeal that act.

Mr. O'GORMAN. Mr. President, with the permission of the Senator from Oklahoma—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. GORE. I yield; yes, sir.

Mr. O'GORMAN. The Senator from Missouri states that there are methods by which the American marine may be resuscitated without granting subsidies. He refrains from indicating what they are, suggesting that it would occupy too much time of the Senate if he were to dwell at length upon those methods. I am in favor of any necessary legislation that will bring about a revival of the merchant marine. The flag of the United States is not seen upon any ocean in the world except the flag that is carried upon about 11 ships on the Pacific and Atlantic Oceans. Two years ago 3,000 vessels passed through the Suez Canal flying the British flag, while during that entire year but 2 ships flying the American flag passed through that canal.

Mr. GALLINGER. Mr. President, may I suggest to the Senator from New York one further object lesson? We have spent \$15,000,000, or thereabouts, on the harbor of Galveston, Tex., and the waterways connected therewith; there is an enormous foreign trade going out of that port, but there is just one lone American schooner carrying the American flag out of Galveston engaged in foreign trade. What a spectacle that is, my fellow Senators!

Mr. O'GORMAN. Mr. President, I have never declared that I was in favor of granting subsidies; I am not in favor of granting subsidies as a means of restoring the merchant marine if, as stated by the distinguished Senator from Missouri, there are other ways of restoring the navigation which was once enjoyed by the United States upon the oceans of the world. If there are other ways of restoring the American merchant marine, what excuse has our party for its failure to redeem the pledges which we have made time and time again in our national platforms?

To-day the American merchant marine is prostrate. It is humiliating for an American to be compelled to confess that, although there was a time in our history when we carried in our own American bottoms 89 per cent of the products of this country, now and for years past we have been dependent upon the foreign shipowner for the carriage of our products from this country and for the carriage of our imports into this country.

Much as we declaimed for a number of years against the burdens of the Payne-Aldrich tariff act, and claimed that it imposed a tribute of \$300,000,000 annually upon the American people, it is undisputed that for years we have been paying to the foreign shipowners—we, the American people—\$300,000,000 annually; and no efficient effort seems to be made to change this condition and give our great country the boast and the prestige enjoyed by other nations, of having a merchant marine of our own.

Mr. JAMES. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Kentucky?

Mr. GORE. Yes, sir.

Mr. JAMES. The Senator states that our platforms in the past have advocated a revival of the American merchant marine. Is it not true that those platforms say that, while they do advocate such a revival, it must be done without giving a subsidy or a bounty out of the Public Treasury?

Mr. O'GORMAN. That is true, Mr. President; but the distinguished Senator from Missouri states that there are ways of restoring the merchant marine without resorting to bounties, subsidies, or subventions. I hope that at some time in the near future the Senator from Missouri will explain in some detail how that can be done.

Mr. STONE. And the Senator from New York thinks there is no other way.

Mr. O'GORMAN. I have not expressed that opinion.

Mr. STONE. If the Senator has not expressed that opinion, he has not expressed any.

Mr. JAMES. Whether there are other ways or not, the Democratic Party has said in its platforms that if the only way to revive it is by a subsidy or a bounty, we are opposed to it. That is the Democratic position, as set forth in all our platforms.

Mr. GORE. Mr. President, this has been a most luminous and most interesting digression; but neither the Senator from New Hampshire nor the Senator from New York has indicated how a subsidy to our coastwise vessels passing through the Panama Canal would restore the Stars and Stripes to the high seas. I will yield to a further interruption from either Senator to volunteer that valuable information.

Mr. GALLINGER. Mr. President, I will say in reply that I have never made that contention. What I have said, and what I will now repeat, is that as our coastwise vessels are protected from competition with those of foreign nations, and they are allowed to carry goods around Cape Horn from New York to San Francisco, Portland, Oreg., Seattle, and Hawaii without any foreign competition being permitted, manifestly they have a right to pass through the American waterway known as the Panama Canal, which shortens the distance to California, Portland, Hawaii, and Seattle. That is the only contention I have ever made. In other words, I believe the Panama Canal is exclusively an American waterway, which we have a right to administer in our own way.

Mr. GORE. I shall refer to that subject a moment later.

I share the regrets expressed by the Senator from New York and the Senator from New Hampshire as to the disappearance of the American flag from the seven seas. That flag never will be restored to its former glorious position until our antiquated navigation laws are repealed.

Mr. President, it is true that other nations subsidize their vessels engaged in foreign commerce. It is true that other nations tax their people to pay our freight. Against that policy I enter no protest; but I am not willing to tax the American people and subsidize our seagoing vessels in order to pay or to reduce the freight of the foreigner.

I am not aware that any nation grants a subsidy to the vessels engaged exclusively in its coastwise commerce. As far as I know, this is a new subsidy under the sun.

I do not intend, however, to embark upon a general discussion of the subject of ship subsidies. That grain and that chaff have been winnowed often in the Senate. Both the subject and the Senate have been exhausted time and time again "with vain repetition." I come immediately to the question before us: Shall we grant this subsidy to our coastwise vessels passing through the Panama Canal?

It is estimated that the cost of maintenance, operation, and interest charges in connection with the Panama Canal will aggregate some fifteen and a quarter million dollars yearly. It is also estimated that the tolls paid by our coastwise commerce would amount to \$1,200,000. Now, sir, the question is, Shall the people pay this \$1,200,000, or shall the shipowners who use the canal pay this \$1,200,000?

Mr. O'GORMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. GORE. I yield.

Mr. O'GORMAN. The estimate that the coastwise vessels passing through the canal would pay \$1,200,000 a year by way of tolls was based upon the number of vessels engaged in our coastwise trade before the passage of the Panama Canal act, in August, 1912.

Mr. GORE. Mr. President, the amount is really immaterial. The principle is the vital point.

Mr. O'GORMAN. With the permission of the Senator from Oklahoma, I should like to occupy just a moment longer.

Mr. GORE. I yield.

Mr. O'GORMAN. By the act passed in August, 1912, all railroad-controlled and all trust-controlled vessels in the coastwise trade were excluded from the use of the canal; and it has been estimated by a committee of the House that the ships thus excluded represent 92 per cent of all the vessels engaged in the coastwise trade of this country. Out of the remaining 8 per cent which would be permitted to use the Panama Canal, it is estimated by the Commissioner of Navigation, Mr. Chamberlain, that there are but 33 American ships in the coastwise trade of the United States that can make use of the Panama Canal, and the probable amount paid in the course of a year by 33 ships using the Panama Canal if tolls were charged would not exceed \$250,000 or \$300,000.

Under the method that is approved and sanctioned by those who support the repeal there would be a deficit each year of



\$17,000,000 borne by the taxpayers of the United States, and the ships of Great Britain, representing one-half of all the navigation of the world, will have the benefit of one-half of that deficit, which will be \$3,500,000.

No complaint is made of that princely benefaction which the American Treasury is offering for the benefit of British shipping, yet in this body there are voices raised in protest against the suggestion that in order to promote and encourage our own American shipping it is proper to allow it to have in an indirect way the benefit of \$250,000 or \$300,000 in a year.

Mr. GALLINGER. Mr. President, will the Senator permit me to say a word at this point?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. Yes, sir.

Mr. GALLINGER. I do not agree with the figures given by the Senator from New York. I discussed that matter in some observations I made a few days ago, and I shall not repeat them in detail now. The estimate of 92 per cent, made by the chairman of the House Committee on the Merchant Marine and Fisheries, referred only to the regular lines of steamers. Suppose, however, half a million dollars would cover the annual loss because of the exemption from tolls of our coastwise ships, which is quite probable, if my mathematics are at all correct that would be a tax of half a cent on every man, woman, and child in the United States—a very small subsidy as compared to the subsidies that we voted in the Agricultural appropriation bill, of which the distinguished Senator from Oklahoma had charge.

Mr. GORE. Mr. President, if the Senator from New York is correct in the assertion that the tolls would aggregate \$200,000 instead of \$1,200,000 yearly, then, sir, the more is the shame that we should barter our principles and surrender our convictions for such a miserable mess of pottage as that.

Without reference to the amount, whether it be \$1,200,000 or \$200,000, this is the question: Shall we exempt the people and tax the ships or shall we exempt the ships and tax the people to maintain this canal?

That, sir, is the question. For my part, I cast my choice with the people. I would not consent to remit these tolls if I knew that the benefits of such a remission would be shared equally by the producers and the consumers using the canal. I would not consent to the remission of these tolls if I knew that the benefits would be transferred to the producer in the form of higher prices upon what he sells, or transferred to the consumer in the form of lower prices upon what he buys. Why tax the American people in order to lavish this favor upon any class of consumers or any class of producers merely because their goods chance to pass through this canal?

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Montana?

Mr. GORE. I yield.

Mr. WALSH. I am constrained to inquire of the Senator from Oklahoma what policy he would advocate with reference to the Soo Canal or the Erie Canal?

Mr. GORE. Mr. President, I do not intend to detour at this time through either one of those canals. I am addressing myself now to this particular subsidy, which, unfortunately, has the support of the distinguished Senator from Montana, for whom I entertain the highest admiration.

I do not believe the benefits of this exemption would be shared in any measure either by the producers or by the consumers of this country. Those benefits would be absorbed by our coastwise shipping monopoly, which already has been loaded down with favors at the hands of the National Government. Water transportation is so cheap in its nature that the coastwise vessels could underbid the transcontinental railroads for the competitive traffic.

It is true, as the Senator from New Hampshire asserted, that our coastwise vessels to-day enjoy exclusive privileges. They constitute an absolute, a universal, an ironclad, and an airtight monopoly. Many people do not know how absolute this monopoly is. Many American citizens do not know that no foreign vessel can engage in our coastwise commerce. Many do not know that the proudest English ship that sails the sea can not receive a bale of cotton at Galveston and deliver that bale of cotton at New York. That is reserved for our favorite coastwise shipping. Many people do not know that no ship flying the German flag can take on a bolt of calico at Boston and "deliver the goods" at New Orleans. That, sir, is reserved to the coastwise monopoly, a legalized monopoly, a statutory trust, and the violation of its privileges is a crime under the laws of the land.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. GORE. I yield.

Mr. REED. The Senator is on a theme that touches me very closely, because I have introduced an amendment opening the coastwise business of the United States to the ships of all nations. In view of the fact that the present coastwise business is so thoroughly monopolized, as the Senator describes, I wish to ask him if he will not give his support in helping to break that monopoly?

Mr. GORE. Mr. President, I never differ from the Senator from Missouri when the Senator is right, and the Senator is nearly always right.

Mr. GALLINGER. Mr. President—

Mr. GORE. When I differ from him I suspect the correctness of my own views and my own position. In this instance I do not differ. I think that every ship that sails the seas ought to be allowed to receive cargoes at New York and discharge them at San Francisco. Then the monopoly will be undone and coastwise freight rates will be reasonable. I would not do so overnight. I think the change should be gradual, so as to avoid needless dislocation and allow time for readjustment.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I yield.

Mr. GALLINGER. Does not the Senator think if we put our coastwise vessels in competition with foreign vessels that the coastwise industry would share the same fate that has come to our over-seas shipping?

Mr. GORE. Mr. President, that is exactly the reason why I suggested the limitation in answering the Senator from Missouri.

Mr. GALLINGER. If the Senator will permit me one further word, I did not quite understand what the Senator from Missouri said. Did he say that he had offered an amendment to some bill touching the repeal of our coastwise legislation?

Mr. REED. I offered an amendment to this bill March 28.

Mr. GALLINGER. Then we will have an opportunity to vote on that question, I apprehend.

Mr. REED. I hope you will.

Mr. GALLINGER. So do I. I was about to say to the Senator from Oklahoma that, holding the view he does, I have wondered that he or some other good Democrat did not offer a provision repealing the coastwise laws of the United States, which have been on the statute books for a century. No such bill has been introduced during my service, and I was wondering why it was not done. The Senator from Missouri now states that he has offered an amendment which will accomplish that purpose if agreed to. So we will get a vote on the proposition, and I am glad of it, the result of which, I feel sure, will not be what the Senator from Missouri desires.

Mr. GORE. Mr. President, the Government has not only invested our coastwise ships with monopolistic power, but it has permitted the abuse of that power.

Compare the freight rates between our coastwise vessels and vessels that are obliged to meet the competition of the world.

Bugging from New York to New Orleans is 35 cents a hundred; from Liverpool to New Orleans, 17½ cents a hundred. The rate on wire and on cotton ties from New York to New Orleans is 35 cents; from Liverpool to New Orleans, 13½ cents a hundred. The distance from Liverpool to New Orleans is three times as great as from New York to New Orleans, yet the coastwise rate is three times as much as the foreign rate.

Sir, that is not all. Take the rate on plows. From New York to Wilmington, a distance of 550 miles, the rate is 15 cents a hundred pounds; to New Orleans, 35 cents a hundred; to Argentine ports, 6,000 miles away, 49½ cents a hundred; to Cape Town, in South Africa, 42 cents a hundred; and to Shanghai, 12,500 miles away, 58 cents a hundred.

Compare the rate on dry goods. From New York to Wilmington, 550 miles, 50 cents a hundred; to New Orleans, 1,700 miles, 70 cents a hundred; to Shanghai, 12,500 miles away, 60 cents a hundred. Shanghai is twenty times as far from New York as Wilmington, yet the rate is only 10 cents a hundred more, and it is 10 cents less a hundred to Shanghai than to New Orleans.

Mr. President, of course competitive conditions affect these rates in some measure, but they do not justify and they do not account for this enormous disparity.

Now, the Congress of the United States is asked to confer an additional subsidy on this favored monopoly at the expense of the overburdened taxpayers.

Mr. O'GORMAN and Mr. WEEKS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield, and to whom?



Mr. GORE. I yield to either Senator.

Mr. O'GORMAN. I simply want to ask the Senator from Oklahoma if he is not aware that the coastwise shipping to which he has just been referring is coastwise shipping controlled by the railroads and by the trusts in the aggregate of 92 per cent of all the American coastwise shipping, and the remainder will be the shipping that under the statute of 1912 may use the canal?

Mr. GORE. The Senator from New York is in error as to his figures. The figures which the Senator cites relate to the line tonnage of the United States, and aggregate, I believe, something like a million tons, whereas the total coastwise tonnage of the United States, including the tramp ships, is six millions. The Senator from New Hampshire may correct me.

Mr. O'GORMAN. I presume the best-informed public official on the subject—

Mr. GORE. Is the Senator from New Hampshire [Mr. GALLINGER], and I refer the Senator from New York to him.

Mr. O'GORMAN. On the subject to which the Senator is addressing himself is the Commissioner of Navigation, Mr. Chamberlain, and it is his evidence given before our committee that I have been substantially quoting in the remark I addressed a moment ago to the Senator from Oklahoma. I reiterate that of the twenty-five or twenty-seven thousand ships of all classes embraced in the coastwise trade of the United States, 92 per cent of them are owned or controlled by the railroads and by corporations operated in defiance of the antitrust law, and are excluded from the use of the canal whether they pay tolls or not, by the act of 1912; and of the 8 per cent of the coastwise ships that may use the canal, the Commissioner of Navigation, Mr. Chamberlain, states that they aggregate but 33 which are suitable for use through the canal.

Mr. GORE. The last phrase the Senator uses modifies his remark. I think possibly the Senator from New Hampshire has the statistics at his desk as to the line companies; that is, the railway vessels and the consolidated shipping companies' vessels. There are many vessels belonging to other concerns.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I do.

Mr. GALLINGER. The statistics that I have collated, and I have taken great pains to have them accurate, show that there are only 330 steamers, of 808,741 gross tons, which are engaged in the regular line service.

Mr. GORE. That is true.

Mr. GALLINGER. This is only about one-eighth of the entire number of coastwise ships. Of all kinds, sail and otherwise, there are 27,070 vessels of 7,886,578 gross tons which were enrolled licensed vessels engaged in the coastwise trade; so the 330 vessels of 808,000 tons in the regular line service are only, as I have said, one-eighth of the entire fleet of coastwise vessels, including tramp steamers and sailing vessels, which are very small affairs as compared to the 330 vessels that are described as being engaged in the regular line service. But however that may be, the Senator is contending against the principle of exempting any of them on the ground that it is a subsidy; and, of course, it makes very little difference whether the number is large or small from the Senator's point of view.

Mr. WEEKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Massachusetts?

Mr. GORE. I yield.

Mr. WEEKS. I wish to call the attention of the Senator from Oklahoma to the fact that the rates made for ocean traffic are constantly changing.

Mr. GORE. That is true.

Mr. WEEKS. It is impossible to say that the rate to-day will obtain to-morrow. They are intensely competitive, not only as applied to foreign traffic but coastwise traffic. There are in every port of the United States tramp steamers at all times ready to take freight to any point at a competitive rate. I think if the Senator will examine the statistics, he will find that the coastwise shipping of the United States as a whole is not a highly remunerative industry under the conditions which obtain.

Mr. GORE. Mr. President, I suggested that competitive conditions had more or less influence upon foreign rates, but that those conditions did not entirely account for this wide and inexcusable disparity of rates.

I may say before passing that the Senator from New York seems to discuss the number of vessels with a great deal more alacrity than he does those comparative freight rates. I will add here that every man knows that the vessels, the forbidden vessels now owned by railroads, will soon pass into other hands

when this canal is opened up to commerce. The temptations, the advantages, and the inducements will be so great that the railroads will be obliged to sell them. These will recruit the number of vessels which can avail themselves of this great highway even at the rate of 3 cents a hundred pounds, which is the toll proposed by the President on foreign vessels.

Mr. President, the opponents of the pending measure reached the very summit of their indignation, patriotism, and defiance when they hurled this gauge at our feet: Have we not expended \$400,000,000, they say, to construct this canal, and can we not then exempt our own vessels from the payment of tolls?

As a matter of course, the Government of the United States will not pay tolls upon the vessels belonging to the Government. But, Mr. President, it is true that we have taxed the American people \$400,000,000 to construct this canal. Shall we now tax the American people millions of dollars every year in order to maintain the canal for the use and enjoyment of a legalized monopoly? Is it not enough to tax the people \$400,000,000 to construct this great highway? Can not the beneficiaries afford to pay for maintenance and operation. Shipowners and Senators who complain that the American people ought to be taxed to maintain this great highway after having been taxed \$400,000,000 to construct it are a good deal like the woman who borrowed her neighbor's bonnet and then complained because it did not suit her complexion.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I yield.

Mr. GALLINGER. The Senator, I assume, is of opinion that even if the coastwise ships pay tolls there will be a deficit in the operation of the canal.

Mr. GORE. That may be true for a time. I say "true," but I do not wish to express an opinion. I do not know.

Mr. GALLINGER. It is estimated, as I remember it, that there will be a deficit something like \$12,000,000 annually. If we admit all nations to the free use of that canal on the same terms as the country that built it at an expenditure of \$400,000,000, does not the Senator think that those other nations ought to help pay that deficit in some way?

Mr. GORE. I think no one has suggested the remission of the tolls to ships belonging to other nations or to citizens and subjects of other countries. I certainly have made no suggestion of that kind.

Mr. GALLINGER. No; the Senator did not. I think the Senator did not, perhaps, catch my interrogatory accurately. I repeat that if after spending \$400,000,000 on that great waterway we open it to the nations of the world on terms of absolute equality with ourselves, and there is a large deficit, does the Senator think that the nation that built the canal out of taxes collected from the people ought to be called upon to make good that entire deficit, while the other nations, enjoying the privileges and benefits of the canal, pay nothing?

Mr. GORE. It may be true that those in authority in 1900 and 1901 drove a bad bargain when they negotiated and ratified the Hay-Pauncefote treaty. I do not undertake to pronounce judgment upon that point at this time. The question now is not whether the Hay-Pauncefote treaty was wise or whether it was the best possible treaty. My only contention is that it is the treaty, and it ought to be observed both in letter and in spirit. I doubt not that when the canal becomes a going concern the tolls will equal the cost of maintenance, operation, and interest charges. I hope the receipts may ultimately amortize the debt and return to the Treasury the \$400,000,000, that can be applied to other useful and beneficent improvements.

Mr. GALLINGER. Mr. President, I read the other day that there had been slight earthquake shocks felt on the Canal Zone, which is in the earthquake zone. Suppose the Panama Canal was destroyed by an earthquake, I apprehend the Government of the United States would be called upon to rebuild it, would it not?

Mr. GORE. I assume so.

Mr. GALLINGER. That is reasonable to suppose.

Mr. GORE. Yes, sir; I think no other assumption is possible. We could hardly consent to take up a collection.

Mr. GALLINGER. Yet we give all other nations equal rights with us in the canal, on which we have spent \$400,000,000, and if the canal should be destroyed we would be called upon to expend \$400,000,000 more to rebuild it, and then we would give all other nations equal rights with ourselves in its use. That is the most extraordinary specimen of eleemosynary legislation that I ever heard of.

Mr. GORE. That promise is set down in the bond, and we have no discretion now to treat it lightly.



It was some years ago when the decision was made against a sea-level canal. I entertained apprehension at that time that some extraordinary catastrophe, such as suggested by the Senator, might one day dismantle the canal and necessitate its reconstruction.

Congress recently appropriated \$35,000,000 to construct a railroad in Alaska. Do Senators on the other side think that this railway, constructed at public expense, should be open to all American railroad companies free of tolls? Is there any reason which would justify the passage of a ship through the canal without charge that would not justify the passage of a locomotive and train over this railroad without charge?

Mr. President, is the Democratic Party bound by its platform to grant this subsidy to our coastwise vessels? It is true that the Baltimore platform contained a plank declaring that coastwise vessels shall be allowed to pass through the canal without the payment of tolls. The promise is explicit. The promise is unequivocal. The promise is not shrouded with mist and fog. The promise is as luminous as a desert sun at noontide. Indeed, sir, the promise is as clear and as unmistakable as the language of the Hay-Pauncefote treaty.

Mr. President, we did make the promise. Shall we now break the promise? That is the point. I have been among those who have attached the greatest weight, and I may say the greatest sanctity, to platform pledges. I regard a platform as a covenant between the party making it and the people approving it. Yet I have never gone so far as some. I have never hedged a convention about with any sort of divinity. The doctrine that a convention can do no wrong is as dangerous as is the doctrine that a king can do no wrong. This instance demonstrates the danger of such a dogma.

Mr. President, I am impelled by reasons I believe to be just and justifiable not to keep the pledge. I assume the responsibility; I accept the consequences; yet those who are disposed to do so can plead extenuating circumstances in their behalf. The platform contained a pledge that coastwise vessels should be allowed to make the transit through the canal untaxed. Democratic Senators who vote against repeal undoubtedly have in that plank a plea that will be accepted in the court of public opinion. But, Mr. President, Democrats who vote for repeal, Democrats who vote against the continuance of this subsidy, will find another plank in this platform which sustains and which justifies their course of conduct. The Democratic platform contains a clear-cut and explicit declaration against the granting of ship subsidies. That is the ancient, the accepted, the immemorial faith of Democracy. The Democratic platform of 1904 fulminated a denunciation against ship subsidies; the Democratic platform of 1900 announced the faith of the fathers, a declaration against the granting of bounties and subsidies to American shipping. That, sir, is the traditional doctrine of the Democratic Party, and upon that doctrine stand those Senators who cast their vote for the pending bill.

Mr. President, there have always been two schools of thought in the United States touching protective duties, touching the granting of favors, bounties, subsidies, and privileges. The Republican Party has uniformly maintained that principle. The Democratic Party has uniformly stood out in favor of the principle of justice and equality and against the policy of privileges and of subsidies. That the heart of Democracy is still true to the faith is abundantly proven to-day. The vote in the other House in favor of repeal, the vote in the other House against this subsidy, was at the ratio of 4 to 1 amongst the Democrats. The heart of Democracy is still true to the principles of justice. The vote in this Chamber, I doubt not, amongst the Democrats, will be in the ratio of 4 to 1. The heart of Democracy still beats in sympathy with the unprivileged masses in an unequal contest with the privileged classes. This fact is proven by the circumstance that 713 delegates to the Baltimore convention have signified their support of the pending bill, and only 126 of those delegates have signified their opposition to the pending bill. This ratio is 5 to 1. Counting all who were silent as adverse, the vote of the delegates would be in the ratio of 2 to 1 in behalf of the traditional principles of the Democratic faith. I base these statements on a poll of the delegates which I have recently made. This, I say, proves their continued devotion to these accepted and recognized standards of justice and equality.

Democrats who desire to do so can plead the doctrine of ultra vires that the convention exceeded its powers. Could a Republican convention by declaring in favor of free trade and tariff for revenue only bind its membership to that principle? Would such a declaration bind the conscience and the conduct of life-long Republicans who were devoted to the policy of protection? Sir, I mean no disrespect, but could a conference of the Methodist Church, could a convention of the Baptist or Christian

Church, could a council of the Catholic Church renounce and adjure the Apostles' Creed and commit its membership to the philosophy of negation? Would such an attempt be binding either upon the conscience or the conduct of a Christian congregation? Could a Democratic convention by declaring in favor of a protective tariff bind its membership to that Republican fallacy? Can you thus convert the apostles of equal justice into the champions of special favors?

Mr. President, to the Democracy the upas tree of privilege is the tree of death, not the tree of life. Its deadly fruit is the forbidden fruit. I must say that I marveled when I discovered that this cuckoo egg of subsidy was in the Democratic nest of equality. I must beware when I see this Republican horse freighted with destruction introduced into the citadel of Democracy.

Mr. President, there is still another reason justifying Democratic Senators in withholding their support from this plank of the Baltimore platform. Whatever may be said of the platform pledge, of its solemnity, and of its binding effect upon individual Democrats, in so far as the British Government is concerned, it was an *ex parte* proceeding.

The Government of the United States is bidden, it is bound by solemn treaty obligations, to equal treatment and to equal tolls as among all the nations of the earth in respect to the Panama Canal. Mr. President, let it be remembered here that the Clayton-Bulwer treaty was entered into upon the initiative of the United States, and not upon that of Great Britain. In 1850 Great Britain maintained a protectorate over the strip of territory including the mouth of the San Juan River in Nicaragua. That point was regarded as indispensable to the construction of an interoceanic canal. The seizure of Tiger Island that year precipitated a crisis in the international relations between the United States and the Government of Great Britain. Out of that crisis came the Clayton-Bulwer treaty. It composed all the differences then existing between the two Governments.

It can not be denied that article 8 of the Clayton-Bulwer treaty embodies the principle of neutrality and the principle of equality. It provides that the canal shall be open to the citizens and subjects of the United States and Great Britain on equal terms. No one will deny that if the canal had been constructed under the Clayton-Bulwer treaty it would have been impossible for the United States to have discriminated in favor of its coastwise shipping.

It must also be remembered that the Hay-Pauncefote treaty was entered into not upon the initiative of Great Britain, but upon the motion of the United States. During the course of that correspondence Lord Lansdowne declared that Great Britain had no desire to secure a modification of the Clayton-Bulwer treaty. The principle of neutralization embodied in the eighth article of that treaty was imported into and made a part of the Hay-Pauncefote treaty.

Now, Mr. President, what is the controverted language in the Hay-Pauncefote convention? It is this:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Mr. President, what is the historic background in accordance with which that language must be interpreted? A long and illustrious line of Secretaries of State, from Henry Clay to John Hay, have given expression to the traditional policy of this Government. As far back as 1825 Henry Clay, then Secretary of State, declared that the benefits of a trans-Isthmian canal "ought not be exclusively appropriated to any one nation."

Secretary of State Clayton, who assisted in the negotiation of the treaty bearing his name, entertained the view that the canal should be as open as the high seas.

President Taylor, Chief Executive when the Clayton-Bulwer treaty was negotiated, declared in a message to Congress that the canal "ought to be dedicated to the common use of mankind."

That, sir, was before the spirit of monopoly was so rampant in this Republic.

Mr. Cleveland declared that the proposed canal had been consecrated to the common use of mankind.

John Hay subscribed to the principle of neutralization and equality.

Mr. President, the best review of our traditional policy of neutrality and equality is contained in the Republican campaign book for the year 1900. It reviews the language of these distinguished statesmen, these distinguished Secretaries of State; it demonstrates why the principle of equality could not have been abrogated in the first Hay-Pauncefote treaty, then pending before the Senate. It is elaborate; it is comprehensive; it



is illuminating; it characterizes the position of the Democratic Party at that time as born either of ignorance or of willful disregard for our solemn contractual relations. In regard to the principle of neutralization it uses this powerful language:

This has been the uniform and unchanging policy of the Government of the United States from the very beginning. It has never had any other thought or purpose than to open this interoceanic waterway to the use of all nations upon equal terms.

"To the use of all nations upon equal terms." The Democratic platform in 1900 characterized the Hay-Pauncefote treaty then pending as "a surrender of American rights and interests, not to be tolerated by the American people," but it did not impinge, it did not challenge the principle of neutralization or equality. The Democratic campaign book of 1900 used this clear-cut and unmistakable language:

No one can deny that an interoceanic canal should be open to all commerce on equal terms. It is beneath the dignity of the United States to discuss it with any other power in any other phase.

Nobody dreamed at that time that the United States had the power to discriminate when the treaty said there should be no discrimination.

But, Mr. President, what did the plenipotentiaries of the United States, what did the representatives of the United States in this negotiation think that they said, what did they think that they meant by the use of the language in the Hay-Pauncefote treaty? Their testimony is uniform and unvarying. Joseph Choate was at that time ambassador to the Court of St. James. He says that—

The language of the treaty excludes the possibility—

Excludes the possibility, mark that—

of any discrimination in favor of any American vessel, excepting ships of war in time of war.

Mr. President, that is tolerably clear; we at least understand what he was driving at; we understand what he thought he was saying and what he thought he meant. Mr. Henry White was for a time during the negotiations American chargé d'affaires. What does Mr. White say? He says that it was his understanding, and, as he thinks, the understanding of Lord Lansdowne, Lord Salisbury, and Lord Pauncefote, from the beginning to the end of the negotiations, that there was to be no discrimination in favor of American vessels, not even coastwise vessels. That is what Mr. White thought he said during those negotiations; that is what he thought he meant, before Senators came to enlighten him as to his real intents and purposes.

What did John Hay, then Secretary of State and a fairly good master of correct English, imagine that he was saying and meaning when he gave consent to the Hay-Pauncefote treaty? Mr. Hay was one of our most illustrious Secretaries of State and received his baptism in politics as confidential secretary to Abraham Lincoln, the greatest President between Jackson and Wilson. I shall quote Mr. Hay's exact language a little further on. Let me now analyze the mysterious, the obscure, the mystifying verbiage in the Hay-Pauncefote treaty. We begin with the first clause in the mooted article:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules.

Mr. President, from the very threshold we are plunged into impenetrable darkness. "All nations." What can that phrase possibly mean? "All" is an obscure word. It is vague, indefinite, uncertain. It is as indefinite as space itself. Where does it end? If we only know that "all" meant "all," we should be freed from perplexity, but who will be so bold as to suggest in this presence that "all" means "all"?

There was one so audacious as to attribute to the word that definition. That was Secretary John Hay. He undertook to define it. He said, "'All' means 'all.'" He said, "The treaty was not so long that we could not have said 'all other nations' if that had been the meaning." He then adds, with presumption, "'All nations' means 'all nations.'" But who would undertake to balance the authority of John Hay, whose name this treaty bears, with the advocates of subsidy and monopoly who have now come to judgment? These great linguists and diplomatists could have put all doubt to death by simply saying "all nations and then some."

But we proceed, amid the fog and the obscurity, to the second clause:

The canal shall be free and open to the vessels of commerce and of war of all nations—

How?

on terms of entire equality.

Here our bewilderment becomes more wilder—"on terms of entire equality." If we only knew that "entire" meant "entire," our feet would rest upon an unbroken rock. But, sir, who will venture such an interpretation? "On terms of entire

equality." Senators say that "entire" does not mean "entire"; and who will challenge such high authority?

We proceed. Doubts peep over doubts and clouds on clouds arise.

The third clause:

The canal shall be free and open to the vessels of all nations on terms of entire equality—

Why?

So that there shall be no discrimination against any such nation, or its citizens or subjects.

Here is confusion worse confounded. Here we heap shade upon shadow. Cimmerian darkness, contrasted with this Delphian oracle, were as sunlight unto moonlight, nay, as noontide unto midnight.

So that there shall be no discrimination.

Now, they could have made it stronger than that if they had seen fit. The question immediately springs into every Senator's mind, "Does 'no discrimination' mean 'no discrimination'?" If it does, there the controversy may rest; but I am not commissioned to say that "no discrimination" means "no discrimination."

Mr. President, we must let some Daniel come to judgment; some one who can interpret the dream of the King without having heard the King's dream. Mark this bewildering confusion: "All nations," "entire equality," "no discrimination."

About, about in reel and rout,

These doubtful phrases thread the mazes of the misty dance.

From this time forth let Talleyrand's paradox be taken as a truism, that the object of language is to conceal thought.

We close our eyes and call it night;

We grope and fall in seas of light.

There are two historic incidents that shed much light upon this question and illuminate the pathway of our duty. Senator Bard, of California, offered an amendment to the first Hay-Pauncefote treaty which reserved, in express terms, the authority to exempt from the payment of tolls our coastwise vessels. That amendment was rejected by an overwhelming majority. Great Britain had a right to understand that action on the part of the Senate as a reaffirmation of our traditional policy in favor of equality of treatment and in favor of equality of tolls. Senators say, however, that the Bard amendment was rejected because it was unnecessary. Senators say that the Bard amendment, reserving the express authority to exempt from tolls, was rejected because the power was involved and implied in the terms of the treaty itself.

Sir, that was a fastidious parsimony of words which ought to warn all statesmen of the future to be exact, even at the peril of being extravagant.

Mr. KERN. Mr. President, does the Senator desire to conclude this evening?

Mr. GORE. Yes. It will not take me very long.

Great Britain rejected the first Hay-Pauncefote treaty. The prizes which it held out were not so alluring as to secure her ratification no less volens. Can any Senator imagine that Great Britain would have ratified the second Hay-Pauncefote treaty if it had contained the Bard amendment? Does any Senator imagine that Great Britain would have ratified this treaty if she had suspected that the United States intended to depart from its traditional policy in favor of equal treatment and equal tolls?

There is another historic incident which shoots a ray of light into the blackness. In 1884 the United States negotiated a treaty with the Republic of Nicaragua. The treaty was never ratified, yet it is significant. It is known as the Frelinghuysen-Zevilla treaty. Under the terms of that treaty Nicaragua conceded to the United States the right and authority to construct a canal across her territory and to own the canal. It was to be operated under a board of management appointed by the two contracting Governments.

Mr. President, in article 14 of this treaty I find the following salient and significant language, which Senators will mark:

The tolls hereinafter provided shall be equal as to vessels of the parties hereto and of all nations, except that vessels entirely owned and commanded by citizens of either one of the parties to this convention and engaged in its coasting trade may be favored.

This secured equality of tolls in all international commerce between the United States, Nicaragua, and all other nations, but as to our coastwise trade we expressly reserved the power to exempt those vessels from the payment of tolls. We had a treaty subsisting many years with Great Britain assuring neutrality and equality. When the Hay-Pauncefote treaty was negotiated Great Britain had before her eyes this rejected treaty between the United States and Nicaragua. Great Britain had a right to believe that if the United States intended to renounce the principle of equal treatment the United States would have



the candor and would have the courage to say so, as they did say in the Frelinghuysen-Zevalla treaty.

As if to anticipate this very discussion, as if they caught glimpses of coming events, the British negotiators suggested this article in the Hay-Pauncefote treaty:

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

Our subsequent acquisition of the Panama Canal Zone does not relieve us from our solemn covenant to maintain entire equality of treatment to all nations observing the stipulated rules.

Mr. President, Great Britain, especially in the esteem of some Senators here, enjoys the reputation of being a pretty shrewd bargainer. What did Great Britain get under the Hay-Pauncefote treaty? What did she get in return for the concessions made by the abrogation of the Clayton-Bulwer treaty? All this labored language, all this iteration and reiteration of assurances as to equality and discrimination comes to this, that Great Britain was simply insisting that the treaty should be so written that she never could receive at the hands of the United States any favor, any advantage, any consideration, any return for the abrogation of the Clayton-Bulwer treaty.

It would have been infinitely better for Great Britain had she merely insisted upon the insertion of the "favored-nation" clause, a proviso that the vessels of Great Britain should be as favorably treated as the vessels of the most-favored nation. That would have given her all the equality, all the guaranties against discrimination, which she enjoys under the Hay-Pauncefote treaty, and it would not have foreclosed the possibility of her receiving some favor in the future for her generosity in the abrogation of that convention. It would have left at least the opportunity for the United States to bear witness to their appreciation of Great Britain's magnanimous action in revoking the Clayton-Bulwer treaty, the abandonment of her demand for equal treatment.

Mr. President, if this be true, Great Britain gave one other indication either of treachery or of stupidity that can hardly be imputed to that ancient and enlightened Government. Great Britain agreed to renounce the guaranties of equality and subjected her own commerce to serious discrimination, and abandoned the coastwise trade of the Dominion of Canada to an impossible competition against the coastwise trade of the United States.

Let me cite one or two instances. Let us say that a vessel receives at Liverpool a cargo of dry goods and structural steel, bound for some port in Japan. It passes through the Panama Canal and pays, let us say, \$15,000 toll. It is desired in New York to ship dry goods and structural steel to the same port in Japan in competition with the English goods. A vessel engaged in our coastwise trade receives the cargo at New York, passes through the canal toll free, touches at San Diego, Cal., and there the cargo is transhipped to another vessel, owned perhaps by the same concern, and is delivered at its destined port in Japan without having paid tribute for passing through the canal. That would be coastwise trade from New York to San Diego; and can we provide guaranties that such cargoes shall never be shipped beyond the seas?

Take another instance. A Canadian ship clears at Halifax, bound for San Francisco. It pays, let us say, \$10,000 toll in transit through the canal. Another ship, bound to the same point, laden with a similar cargo, clears at New York, bound for San Francisco. It passes through the canal tax free. Is not that intolerable competition?

Reverse the voyage. A Canadian ship takes on a cargo of grain and of lumber at Vancouver, makes a passage through the canal, paying \$10,000 in tolls, and delivers its cargo at New York. An American vessel receives grain and lumber at Port Townsend or Seattle, Wash., passes through the canal without the payment of tolls, and delivers its cargo in New York in competition with the Canadian vessel. What will be the first result of that?

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I yield.

Mr. GALLINGER. Does not the Senator think that there is another situation which is even more intolerable than what the Senator calls attention to? That is, that while we prevent American ships owned or controlled by railroads from entering the canal at all, we allow Canadian ships that are owned by railroads to pass through the Panama Canal?

Mr. GORE. Mr. President, I think that raises a most interesting question, and a question that will insist upon consideration at some future time.

Mr. GALLINGER. Yes; I am glad the Senator says that, because aside from the great questions involved in this debate, which has been most interesting and edifying to me, that feature of our legislation is manifestly unfair, and I feel sure the American people will not always stand for the proposition that we shall prohibit our own ships that are controlled or owned by railroads from entering the canal at all, and at the same time allow the fleets of the Canadian Pacific and the Grand Trunk Railroads to pass through the canal without let or hindrance. Some remedy must be found for that.

Mr. GORE. It can hardly be denied that the Government sometimes insists upon increasing difficulties incident to transactions which are absolutely essential not only to commerce but to civilization.

Mr. President, what will be the first result of the situation which I have just described with respect to Vancouver and Seattle? The first result will be that wheat and lumber produced in British Columbia would be diverted from Vancouver and would be shipped by rail to Port Townsend or Seattle and then shipped by American coastwise vessels to our Atlantic seaboard cities. The second result would be that the Dominion of Canada would impose an export duty or a prohibition on the shipment of goods from Canada into the United States. Carlyle's observation that "Injustice begets injustice" is as true as truth.

We must not subject ourselves to the criticism or the suspicion that our principles change with our interest or vary with our situation. This is not the first controversy we have ever had concerning the definition of the phrase "equal treatment," as contained in an international treaty. The United States and Great Britain entered into a treaty in 1871 known as the treaty of Washington. Under the twenty-seventh article of that convention equal treatment was guaranteed to the citizens of the United States and to the inhabitants of Canada in regard to the canals in their respective territories connecting the waters of the Great Lakes. Canada passed a law imposing a toll of 20 cents per ton on all vessels passing through the Welland Canal. She provided, however, that vessels carrying cargoes as far east or farther east than Montreal should be entitled to a rebate of 18 cents per ton. President Cleveland protested that this refund or subsidy violated the guaranty of equal treatment to the citizens of the United States. President Harrison reiterated this protest. Congress enacted a law authorizing the imposition of retaliatory tolls. Canada receded from her position. Her canals are free and open to citizens of the United States upon equal terms with her own inhabitants. Does the reciprocal pledge of equal treatment bind the other nation alone, and is it to our Government fragile as a rope of sand? It is no special credit, either to an individual or to a nation, to observe a contract when it is highly advantageous to do so. That imposes no strain either upon the private or the public conscience. The easiest morals could assume that virtue. Good faith at 5 per cent were a delightful duty. It is they who keep the faith when the advantage is doubtful or adverse that are entitled to the confidence and admiration of mankind.

Mr. President, this question arises now, Which is paramount, the obligation of a platform promise or the obligation of a treaty? Surely this question is not open to controversy. Under the Constitution of the United States the Constitution itself and the laws and treaties made in pursuance thereof are the supreme law of the land. This treaty is the supreme law of the land. The Baltimore platform, strange as it may seem, is not in every particular the supreme law of the land. No one can hesitate as to the path of duty when a platform comes into collision with a treaty obligation.

Let me digress for one moment at this juncture. I have been much amused at the bombastic bravado manifested by certain Senators when engaged in the luxurious pastime of baiting the British lion. I shall do no more than allude to that splendid and entertaining pantomime, but I remember that Tam O'Shanter's wife had to nurse her wrath to keep it warm. I think that these irate Senators must have placed their hereditary wrath in cold storage this century past in order that it might flame out into incandescent fury on this occasion. I remember that the heroism of Sir John Falstaff was in direct proportion to the square of the distance between himself and his embattled enemies.

Mr. President, if I may be pardoned for so saying, I am Irish in lineage, I am Irish in sympathy, and, sir, if you please, I am Irish in my antipathies. I hope to see the hopes of Ireland gratified in the realization of home rule. While I may have no right to express such an opinion, the greatest disaster that could befall Ireland would be the fall of the present British ministry.



Mr. President, reverting to the obligations of our treaty, the United States can not afford to sacrifice the high and justified reputation it has always borne for faithful, for scrupulous observance of each and every such obligation. One Senator took occasion the other day to defend the United States against the supposed imputation that they had not been faithful to their treaty pledges. Sir, the United States needs no such defense. Their record and their reputation are not only above challenge, they are above suspicion. We can not afford to sacrifice our fair fame for fair dealing by the repudiation of a solemn, ratified obligation.

Mr. President, good faith is to a nation what honor is to a man and what chastity is to a woman. It is the one virtue without which all other virtues are unavailing.

Mr. President, during the course of this discussion it has been said, regretfully by some and rejoicingly, if I may so say, by others, that the pending bill is the rock upon which the Democracy must split. While I am no mariner, I anticipate no such disaster. Senators who feel bound by the platform and oppose the pending measure have ample justification, and they will receive no criticism at the hands of their associates here or at the hands of their constituencies at home. Senators who feel bound by treaty obligations to disregard the Baltimore platform have a justification that will exempt them from criticism by their Democratic colleagues here and their constituencies at home.

Mr. President, it has been said that the President of the United States has reversed his views touching the remission of tolls. He has been impeached for inconsistency. It sometimes requires more courage to be right than to be consistent. I have no doubt that the present Chief Magistrate of this Republic would rather be right than be consistent.

The President is not one to change his matured convictions for light and transient causes. When he recanted his former utterances and renounced his former views we must assume that he was impelled by reasons not only of the most patriotic but of the most overpowering character. Under our Constitution he is peculiarly charged with the direction of our international relations. He possesses information upon the subject more intimate than that to which any Senator can pretend. For my part, when I receive such solemn assurances at his hands as were contained in his message in relation to the pending bill I am disposed to follow his leadership.

Mr. President, the present Democratic administration is dedicated to the rights of man. I may say it is consecrated to the rights of man. It came into power as a revolt against privilege and monopoly, as a revolt against ancient abuses. The present administration came into power pledged to a revision of the tariff. It has kept the faith. The present administration came into power pledged to a revision of our banking and currency system. The party has kept the faith. It came into power pledged to dismantle existing monopoly and to emancipate the American masses from the thralldom and from the tyranny of the trusts. The party will keep the faith. The Democracy is entitled to receive and so long as it is entitled it will continue not merely the passing plaudits but the deep and enduring approbation of the enlightened citizenship of this Republic.

Mr. KERN. Mr. President, I have been asked to move a short executive session, which I will do presently. I think I will move, if it is in order now, that at the conclusion of the executive session the Senate will take a recess until 8 o'clock this evening.

The PRESIDING OFFICER. The Senator from Indiana moves that at the conclusion of the executive session the Senate will take a recess until 8 o'clock to-night.

Mr. O'GORMAN. I assume that that is with the understanding that we will continue the session from 8 o'clock until 10 o'clock, and then take a recess until to-morrow morning at 11. Is that correct?

Mr. KERN. I have no objection to that.

Mr. JAMES. It might be that some Senator would be in the midst of a speech at 10 and would conclude in 30 minutes. It is not absolutely necessary that we shall agree to adjourn at 10 o'clock.

Mr. GALLINGER. That, I think, will take care of itself.

Mr. KERN. That will take care of itself.

Mr. O'GORMAN. I have not pressed my suggestion as to any limitation, but—

Mr. KERN. We will have no trouble about it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana that the Senate take a recess after the executive session until 8 o'clock p. m.

Mr. REED. Mr. President, I simply want to make the statement that if the Senate is to remain here and dispose of the

program which is now before us any attempt to hasten progress by holding the Senate in session all day long and then forcing a night session will not result, in my opinion, in the advancement by a single hour of the program which we understand we are expected to go through. The health of Senators will be impaired. The patience and ability of Senators to work will be impaired. While I am willing to stay here and am physically able to stay here as long as any other Senator on either side, I see no reason for undertaking at 15 minutes past 6 to go into executive session and then to hold a night session and to proceed along that line.

If there was a filibuster, or if there was a consumption of time here for the mere purpose of consuming time, a different question would be presented. There has not been the appearance of a filibuster. There has not been the slightest evidence of an attempt to prolong this discussion for the sake of prolonging it. We happened to have a cool day to-day, but let us have a few days of the temperature and atmospheric conditions of yesterday and, with such a forced program, we will have some sick men, and we may have some dead men. As far as I am concerned, I do not intend to be one of those sick men or one of the dead men, because I am fortunately in an excellent condition of health; but there are men in this Chamber who are entitled, I think, to a reasonable recess and who, if they come here at 11 o'clock in the morning and stay until 6 o'clock and work, have gone the limit of reasonable physical endurance.

Mr. BRISTOW. Mr. President, I desire to supplement what the Senator from Missouri has just said. The trust bills, so called, have come over from the House. They have been referred to committees. The committees will be considering those bills for weeks. There is not the slightest occasion—

Mr. SIMMONS. Mr. President, I rise to a question of order. Is the motion debatable?

The PRESIDING OFFICER. The motion to take a recess is not debatable under the rule.

Mr. THOMAS and others. Question!

Mr. BRISTOW. I desire to say that the Senator will make no progress by undertaking to force things here, if that is the purpose?

Mr. KERN. Will the Senator allow me?

Mr. BRISTOW. I simply wanted to offer a few suggestions, and if Senators think they can take me off my feet in this way and make progress to-night they will find they can not.

Mr. SIMMONS. I have no objection to the Senator making the suggestion he rose to make; but, clearly, I think the motion is not debatable. I am glad to hear the Senator's suggestion.

Mr. BRISTOW. The remarks are being made by unanimous consent, and I am speaking only by unanimous consent. I was making a suggestion that I think is in the interest of public business and in the interest of the time of the Senate. We want to complete the work. There is no use undertaking to interfere with the program. I am willing to stay here until October and help carry it out, and it will take until October to do it; but it is not common sense to hold sessions of 10 and 11 hours in the middle of summer in order to accomplish the work that is laid out for this session.

The PRESIDING OFFICER. The Senator from North Carolina makes the point of order that the motion is not debatable, and the Chair sustains it. The question is on the motion of the Senator from Indiana.

Mr. REED. Let it be stated.

The PRESIDING OFFICER. The motion is that after an executive session the Senate will take a recess until 8 o'clock to-night.

The motion was agreed to.

#### EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes in executive session the doors were reopened, and (at 6 o'clock and 25 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

#### EVENING SESSION.

The Senate reassembled at 8 o'clock p. m. on the expiration of the recess.

The PRESIDING OFFICER (Mr. SWANSON in the chair). The Senate resumes consideration of the unfinished business, which is House bill 14385.

#### PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an



act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. JONES. Mr. President, if we are to have a night session, we certainly ought to have a quorum, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegge	Jones	Overman	Sutherland
Bryan	Kenyon	Page	Swanson
Burleigh	Kern	Perkins	Thomas
Chamberlain	Lea, Tenn.	Pittman	Thornton
Clapp	McCumber	Sheppard	Townsend
Clark, Wyo.	McLean	Sherman	Vardaman
Gallinger	Martin, Va.	Simmons	Walsh
Hollis	Martine, N. J.	Smith, Ga.	Warren
Hughes	Myers	Smith, Md.	White
James	Norris	Smith, Mich.	Works
Johnson	O'Gorman	Smoot	

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. LANE and Mr. WEST answered to their names when called.

Mr. ASHURST entered the Chamber, and answered to his name.

The PRESIDING OFFICER. Forty-six Senators have answered to their names—not a quorum.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. FLETCHER and Mr. STEPHENSON entered the Chamber, and answered to their names.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum is present.

Mr. KERN. I move that the order just entered be vacated.

The motion was agreed to.

Mr. McCUMBER. Mr. President, I have heretofore, at the opening of this discussion, spoken at considerable length on practically every principal feature of the subject, and I could have no excuse whatever for reiterating any part of what I then said. If the vote to-day, or whenever we shall arrive at a vote, were to settle the entire question, I certainly would not be heard to continue any further remarks upon the subject. While the remarks I am about to make will be, I think, of advantage for future reference when this subject may be before the Senate again, I can scarcely hope that they will have any present effect.

Mr. President, the Senator from Iowa the other day expressed great surprise that there were Senators so un-American as to be willing in this tolls controversy to grant more than Great Britain had asked. Whether it is un-American depends entirely upon what we regard as the true American attitude. If the American policy is to avoid our agreements whenever they conflict with our interest, and, above all, never to go beyond the demand of the other party in the fulfillment of our obligations, then I am ready to concede that our position is un-American. But if, on the other hand, the true American attitude is to meet our national obligations without quibble and proceed to carry out our contracts in accordance with the clear and known understanding of the parties and without waiting for any demand whatever, partial or complete, then, Mr. President, I believe that it is we who are representing the true American attitude.

If I have entered into a contract with the Senator from Iowa and another contract of like tenor with the Senator from New Hampshire, in which, for a valuable consideration, I have agreed to follow a certain course of conduct in reference to both of them and all other parties, I am not going to wait for any demand from either of them to comply with that contract. I am going to proceed to make my promise good.

So in this case, Mr. President, I have never given the British protest any particular consideration. I have only considered the simple question, What did the United States agree to do? And there being no question on earth as to not only what we did agree to do but also as to what we said we understood our words to mean, I want my Government to do just what I, as an individual citizen, would do under just those conditions. I took that position before any protest was ever made by the British Government, and I shall continue to take that position until the good name of my country is reestablished among the nations of the earth and maintained in the minds of all its

people who understand its obligations and who would jealously guard its national word.

I, too, Mr. President, have been greatly surprised to find that Senators seem to adopt one standard of individual ethics and an entirely different standard of national ethics—one standard for the citizen and another for the Nation.

There is not a Senator in this body who would attempt to give his personal contract a construction which would differ from his previous statement to the other party as to what he had intended and both intended that the contract should mean. I go further and say there is no Senator here who would insist on a construction of his personal contract out of harmony with what he believed the other party in good faith understood it to mean, even though he felt he had a perfect moral right to give it a different construction.

And yet, Mr. President, I find Senators blinding their eyes not only to the natural, usual, obvious meaning of words in an international agreement, shutting them not only to the previous history of the transaction, which shows that the words were intended to have their natural meaning and not a restricted use, but also closing them to the clear and unqualified declaration of every party who had to do with the negotiations and drafting of the treaty as to what they all meant and intended to mean, and then proceeding with most studious effort and with all the technicalities which imagination can suggest to avoid the purposes and understanding of the negotiators of that contract. I do not question the integrity of Senators, but I confess I can not fathom their mental operations.

Mr. President, the passage of this bill will not settle this question. I shall not prophesy that it will not be settled until it is settled right, for things in this world are not always settled that way, but that the real settlement is postponed to the future.

For the use of those who may desire some ready references and a very concise history of this matter, I shall proceed to place in the permanent RECORD some of the most salient points bearing on this matter.

Mr. President, nations speak to each other and to the world at large through executive declarations, legislative resolutions, and diplomatic utterances. By those declarations, resolutions, and utterances are they judged, and through them are their treaties and contracts construed. In the simplicity and directness of these modes of communication we recognize their courage and candor; in the lack of that simplicity and directness we recognize their shiftiness and unworthiness.

Mr. President, we are about to vote whether or not our country shall retain its place in the former class and whether our previous reputation for absolute candor in our international diplomacy is to be maintained by the Senate of the United States.

Before that vote is taken I wish to place the two Nations—the United States and Great Britain—face to face, and, refraining from any comment myself, let this Senate and the country read what they said to the world and to each other for a century preceding the adoption of the Hay-Pauncefote treaty, concerning equality of treatment of all vessels of the world, including our own, in the use of any canal that might be constructed across the Isthmus of Panama. I shall reproduce only, and very briefly, those sentences bearing directly upon that question.

ON THE GENERAL QUESTION OF FREE NAVIGATION OF RIVERS AND CANALS LEADING TO THE SEA.

UNITED STATES TO FRANCE AND SPAIN. August 6, 1779. (Instructing John Jay, our minister, to conclude a treaty with France and Spain:)

"Nevertheless you shall insert on the part of your State a proper article or articles for obtaining free navigation of the Mississippi River."

UNITED STATES AND GREAT BRITAIN TO EACH OTHER. September 3, 1783. (Treaty with Great Britain:)

"The navigation of the River Mississippi from its source to its mouth shall forever remain free and open to the subjects of Great Britain and the citizens of the United States."

UNITED STATES TO THE WORLD. 1792. (Mr. Jefferson, then Secretary of State. Report to Congress:)

"When their rivers enter the limits of another society, if the right of the upper inhabitants to descend the stream is in any case obstructed, it is an act of force by a stronger society against a weaker, condemned by the judgment of mankind."

UNITED STATES TO THE WORLD. March 2, 1803. (Letter of President Jefferson to Livingston and Monroe, our representatives in France:)

"The United States have a just claim to the use of the rivers which pass from their territory through the Floridas. They



found their claims on like principles with those which supported their claims for the use of the Mississippi."

UNITED STATES TO GREAT BRITAIN. 1823. (President Monroe in negotiation with Great Britain for equal navigation of St. Lawrence:)

*The right to navigate the St. Lawrence River is one which may be established upon the "general principle of the law of nature."*

UNITED STATES AND GREAT BRITAIN TO EACH OTHER. March 17, 1816. (Reciprocal treaty:)

*The right of reciprocal navigation of the St. Lawrence by both nations on terms of equality established.*

UNITED STATES AND GREAT BRITAIN TO EACH OTHER. 1854. (Reciprocal treaty:)

"It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the River St. Lawrence and the canals in Canada used as the means of communicating between the Great Lakes and the Atlantic Ocean with their vessels, boats, and crafts, as fully and freely as the subjects of Her Britannic Majesty, subject only to the same tolls and other assessments as now are or may hereafter be exacted of Her Majesty's said subjects."

It is further agreed that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats, and crafts so long as the privilege of navigating the River St. Lawrence, secured to American citizens by the above clause of the present article, shall continue; and the Government of the United States further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals on terms of equality with the inhabitants of the United States."

UNITED STATES AND GREAT BRITAIN TO EACH OTHER. 1871. (Reciprocal treaty relating to the canals of both countries:)

"The Government of Her Britannic Majesty engage to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion."

"The subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States."

DECLARATIONS IN RESPECT TO ANY CANAL WHICH MIGHT BE CONSTRUCTED ACROSS THE ISTHMUS.

UNITED STATES TO THE WORLD. 1826. (Instructions prepared by Henry Clay, Secretary of State under President John Quincy Adams, referring to the construction of the canal:)

"If the work should ever be executed so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls."

UNITED STATES TO THE WORLD. March 3, 1835. (Congressional resolution:)

"Resolved, That the President be requested to consider the expediency of opening negotiations with the Governments of other nations for the purpose of effectually protecting by suitable treaty stipulations with them such companies as may undertake the construction of a ship canal across the Isthmus, and securing for them by such stipulations the free and equal rights of navigating such canal to all such nations on the payment of reasonable tolls."

UNITED STATES TO THE WORLD. March 2, 1839. (Report of committee of House of Representatives:)

"The policy is not less apparent which should prompt the United States to cooperate in this enterprise liberally and efficiently before other disposition may be awakened in the particular State within whose territory it may be ceded or other nations shall seek by negotiation to engross a commerce which is now and should ever continue to be open to all."

UNITED STATES AND NEW GRENADA TO THE WORLD. December 12, 1846. (Treaty:)

"The right of way or transit across the Isthmus upon any modes of communication shall be open and free to the two Governments on equal terms."

UNITED STATES TO THE WORLD. 1846. (Message of President Polk submitting treaty with New Grenada:)

"The ultimate object (of the resolution of March 3, 1835) is to secure to all nations the free and equal right of passage over the Isthmus."

UNITED STATES TO GREAT BRITAIN. September 25, 1849. (Our minister to France, duly instructed, communicating with Lord Palmerston, representative of Great Britain:)

"That the United States sought no exclusive privilege or preferential right of any kind in regard to the proposed communication, and their sincere wish, if it should be found practicable, was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality."

UNITED STATES TO GREAT BRITAIN. September 25, 1849. (American minister to Lord Palmerston, British representative:)

"That the United States would not, if they could, obtain any exclusive right or privilege in a great highway which naturally belonged to all mankind. That while they aimed at no exclusive privilege themselves, they would never consent to see so important a communication fall under the exclusive control of any commercial power."

UNITED STATES TO GREAT BRITAIN. 1849. (Letter of Mr. Clayton, Secretary of State, to Mr. Lawrence, our representative in Great Britain, to be made known to the British Government:)

"If, however, the British Government shall reject these overtures on our part and shall refuse to cooperate with us in the generous and philanthropic scheme of rendering the inter-oceanic communication by way of the port and river of San Juan free to all nations upon the same terms, we shall deem ourselves justified in protecting our interests independent of her aid and despite her hostility."

UNITED STATES TO THE WORLD. December 4, 1849. (Message of President Taylor to Congress:)

"The territory through which the canal may be opened ought to be freed from the claims of any foreign power. No such power should occupy a position that would enable it hereafter to exercise so controlling an influence over the commerce of the world or to obstruct a highway which ought to be dedicated to the use of mankind."

#### CLAYTON-BULWER TREATY.

UNITED STATES AND GREAT BRITAIN TO EACH OTHER AND TO THE WORLD. April 19, 1850. (Clayton-Bulwer treaty, article 8:)

"The United States and Great Britain, having not only desired in entering into this convention to accomplish a particular object, but also to establish a general principle, they hereby agree."

Particular object to be accomplished:

"The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal."

General principle to be established:

"It is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable, and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State."

The foregoing clause was always thereafter referred to as the "general principle." And wherever "general principle" of the Clayton-Bulwer treaty is used by the parties, this is the particular clause referred to.

UNITED STATES TO GREAT BRITAIN AND TO THE WORLD. 1857. (Mr. Cass, Secretary of State, replying to Lord Napier, who had suggested a plan of joint protectorate:)

"In view of these interests and after having invited capital and enterprise from other countries to aid in the opening of these great highways of nations under pledge of free transit to all desiring it, it can not be permitted that these Governments [countries through which the canal might pass] should exercise over them arbitrary and unlimited control."

UNITED STATES TO THE WORLD. 1862. (Note of Mr. Seward, Secretary of State under President Lincoln:)

"This Government has no interest in the matter different from that of any other maritime power. It is willing to interpose its aid in execution of its treaty and further equal benefit of all nations."

UNITED STATES TO NICARAGUA AND THE WORLD. 1867. (Treaty concerning the construction of a canal:)

"And no higher or other charges or tolls shall be imposed on the conveyance or transit of persons and property of citizens or subjects of the United States or of any other country across



the said routes of communication than are or may be imposed on the persons and property of the citizens of Nicaragua."

UNITED STATES AND COLUMBIA TO EACH OTHER AND TO THE WORLD. 1868. (Treaty authorizing the United States to construct a canal not ratified by the Senate:)

"The Government of the United States of America shall establish a tariff of tolls and freights for the said canal on a basis of perfect equality for all nations whether in time of peace or war."

UNITED STATES TO THE WORLD. (President Grant through Secretary Fish:)

"We shall be glad of any movement which shall result in the early decision of the question of the most practical route and the early commencement and speedy completion of an interoceanic communication which shall be guaranteed in its perpetual neutralization and dedication to the commerce of all nations without advantage to one over another of those who guarantee its assured neutrality. \* \* \* The benefit of neutral waters at the ends thereof for all classes of vessels entitled to fly their respective flags with the cargoes on board on equal terms in every respect as between each other."

UNITED STATES TO GREAT BRITAIN. June 24, 1881. (President Garfield, through Secretary Blaine, to our minister to England:)

"Nor in time of peace does the United States seek to have any exclusive privileges accorded to American ships, in respect to precedence or tolls, through any interoceanic canal any more than it has sought like privileges for American goods in transit over the Panama Railway under the exclusive control of an American corporation. \* \* \* It would be our earnest desire and expectation to see the world's peaceful commerce enjoy the same just, liberal, and rational treatment."

UNITED STATES TO GREAT BRITAIN. November 19, 1881. (President Garfield through Secretary Blaine:)

"This Government entertains no design in connection with this project for its advantage which is not also for the equal or greater advantage of the country to be directly and immediately affected; nor does the United States seek any exclusive or narrow commercial advantage. It frankly agrees, and will by public proclamation declare at the proper time in conjunction with the Republic on whose soil the canal may be located, that the same rights and privileges, the same tolls and obligations for the use of the canal shall apply with absolute impartiality to the merchant marine of every nation on the globe, and equally in time of peace the harmless use of the canal shall be freely granted to the war vessels of other nations."

GREAT BRITAIN TO THE UNITED STATES. (Replying to the above letter through Lord Granville:)

"Such communication concerned not merely the United States or the American continent but, as was recognized by article 6 of the Clayton-Bulwer treaty, the whole civilized world, and that she would not oppose or decline any discussion for the purpose of securing on a general international basis its universal and unrestricted use."

UNITED STATES TO THE WORLD. (President Cleveland in his first annual message to Congress:)

"Whatever highway that may be constructed across the barrier dividing the two greatest maritime areas of the world, must be for the world's benefit—a truth for mankind."

UNITED STATES TO GREAT BRITAIN. (Second administration of President Cleveland, through Secretary of State Olney:)

"That the interoceanic routes there specified should, under the sovereignty of the States traversed by them, be neutral and free to all nations alike. Under these circumstances, upon every principle which governs the relations to each other, either by nations or of individuals, the United States is completely stopped from denying that the treaty [Clayton-Bulwer treaty] is in full force and vigor."

UNITED STATES TO THE WORLD. December 5, 1898. (Message of President McKinley:)

"That the construction of a maritime highway is now more than ever indispensable to that intimate and ready intercommunication between our eastern and western seaboard demanded by the annexation of the Hawaiian Islands and the prospective expansion of our influence and commerce in the Pacific, and that our national policy now more imperatively than ever calls for its control by this Government, are propositions which I doubt not the Congress will duly appreciate and wisely act upon."

GENERAL UNDERSTANDING OF PEOPLE OF BOTH COUNTRIES AS TO A MODIFICATION OF THE CLAYTON-BULWER TREATY.

GREAT BRITAIN TO THE UNITED STATES. (Expressed in leading editorials on President McKinley's message:)

Editorial, London Spectator, December 10, 1898:

"The Times says most reasonably that if the freedom of the waterway were secured to ships of all nations, as in the case of the Suez Canal, we do not see what object we should have in standing strictly upon claims which originated when the circumstances were altogether different."

Editorial of Spectator, same date:

"All we want is that the canal shall be made, and when it is made it shall be open and available to our merchant ships and ships of war as freely as to those of the United States or other power."

"We would abrogate the treaty on the following terms:

"4. That the canal should be open at all times to all nations at peace with the United States.

"5. That the duties charged would be the same in the case of American and other vessels.

"If the United States were to agree, as we believe they would, to such terms as these, we would have no possible grounds for refusing to give up our rights under the Clayton-Bulwer treaty."

UNITED STATES TO GREAT BRITAIN. (As expressed in the press of the United States and congressional debates, to wit:)

"That the Government should be reimbursed for the money which should be expended by it in the construction of the canals, in tolls to be charged all vessels using the canal, as per estimates made upon the tonnage which would probably pass through it, and which estimates included the vessels of the United States as well as all other nations."

UNITED STATES TO GREAT BRITAIN. February 6, 1900. (Article in New York World analyzing the Hay-Pauncefote treaty, which had just been signed by Hay and Pauncefote:)

"The United States, however, is given the right to protect the canal, and may employ such measures as are needful for the safety of the canal and navigation. The canal, being the property of the United States and built with American capital, all the profits from the navigation of the canal will go to the United States, but there will be no discrimination in favor of the American vessels."

DIPLOMATIC COMMUNICATIONS BETWEEN THE TWO COUNTRIES RELATIVE TO THE PRESERVATION OF THE "GENERAL PRINCIPLE" OF THE CLAYTON-BULWER TREATY PROVIDING FOR EQUAL TREATMENT OF VESSELS OF BOTH NATIONS.

GREAT BRITAIN TO THE UNITED STATES. February 22, 1901. (Letter of Lansdowne to Pauncefote to present to Secretary Hay:)

"So far as Her Majesty's Government were concerned there was no desire to procure a modification of that convention [the Clayton-Bulwer treaty]. Some of its provisions had, however, for a long time past been regarded with disfavor by the Government of the United States, and in the President's message to Congress of December 18, 1898, it was suggested, with reference to a concession granted by the Government of Nicaragua, that some definite action by Congress was urgently required if the labors of the past were to be utilized and the linking of the Atlantic and Pacific Oceans by a practical waterway to be realized. \* \* \* This passage in the message having excited comment, your excellency made inquiries of the Secretary of State in order to elicit some information as to the attitude of the President. In reply the views of the United States Government were very frankly and openly explained. You were also most emphatically assured that the President had no intention whatever of ignoring the Clayton-Bulwer convention, and that he would loyally observe treaty stipulations. But in view of the strong national feeling in favor of the construction of the Nicaraguan Canal and of the improbability of the work being accomplished by private enterprise, the United States Government were prepared to undertake it themselves upon obtaining the necessary powers from Congress. For that purpose, however, they must endeavor by friendly negotiations to obtain the consent of Great Britain to such a modification of the Clayton-Bulwer treaty as would, without affecting the general principle therein declared, enable the great object in view to be accomplished for the benefit of the commerce of the world. \* \* \* Her Majesty's Government agreed to this proposal, and the discussions which took place in consequence resulted in the draft of the convention which Mr. Hay handed to your excellency on the 11th of January, 1899."

GREAT BRITAIN TO THE UNITED STATES. February 22, 1901. (Lansdowne, through Lowther:)

"The proposal to abrogate the Clayton-Bulwer convention is not, I think, inadmissible if it can be shown that sufficient pro-



vision is made in the new treaty for such portions of the convention as ought in the interests of this country to remain in force. This aspect of the case may be considered in connection with article 1 of the Clayton-Bulwer convention which has already been quoted and article 8, referred to in the preamble of the new treaty. Thus, in view of the permanent character of the treaty to be concluded and of the 'general principle' reaffirmed thereby as a perpetual obligation, the high contracting parties should agree that no change of sovereignty or other change of circumstances in the territory through which the canal is now to pass shall affect such 'general principle' or release the high contracting parties, or either of them, from their obligations under the treaty, and that the rules adopted as the basis of neutralization shall govern, so far as possible."

GREAT BRITAIN TO THE UNITED STATES. August 3, 1901. (Lansdowne to Secretary Hay, after receiving copy of draft of treaty:)

"I would therefore propose an additional article in the following terms, on the acceptance of which His Majesty's Government would probably be prepared to withdraw their objections to the formal abrogation of the Clayton-Bulwer convention, to wit: 'In view of the permanent character of this treaty whereby the general principle established by article 8 of the Clayton-Bulwer convention is reaffirmed, the high contracting parties hereby declare and agree that the rules laid down in the last preceding article (article 3) shall, so far as they may be applicable, govern all interoceanic communication across the Isthmus which connects North and South America, and that no change of territorial sovereignty or other change of circumstance shall affect the 'general principle' or the obligations of the high contracting parties under the present treaty.'"

Mr. HITCHCOCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. I will say to the Senator that I am seeking here to put in something without comment on my part, quoting only to get a line of conversations between the parties, and it would somewhat mar the purpose of this short essay if I were to go into a discussion. For that reason I hope the Senator will excuse me.

GREAT BRITAIN TO THE UNITED STATES. August 3, 1901. (Through the same parties:)

"On the other hand, I conclude that, with the above exception [which relates to fortifications], there is no intention to derogate from the principles of neutrality laid down by the rules. As to the first of these propositions, I am not prepared to deny that contingencies may arise when, not only from a national point of view, but on behalf of the commercial interests of the whole world, it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at a moment when they were themselves engaged in hostilities."

GREAT BRITAIN TO THE UNITED STATES. (Through the same parties, August 3, 1901:)

"I suggest the renewal of one of the stipulations of article 8 of the Clayton-Bulwer convention by adding to rule 1 the words 'such conditions and charges shall be just and reasonable.'"

GREAT BRITAIN TO THE UNITED STATES. (Salisbury speaking through White to Hay:)

"I think that in due course of time we shall consent to the abrogation of such parts of the Clayton-Bulwer treaty as stand in the way of your building the canal, subject, however, to one condition, on which we lay great stress, namely, that the ships of all nations shall use the canal or go through the canal on equal terms."

GREAT BRITAIN TO THE UNITED STATES. September 21, 1901. (Lansdowne speaking to Mr. Choate, and which Mr. Choate communicated to Secretary Hay:)

"But he [Lansdowne] said they could not give up article 3a altogether; that it was quite obvious that we might in the future acquire all the territory on both sides of the canal; that we might then claim that a treaty providing for the neutrality of a canal running through a neutral country could no longer apply to a canal running through American country only; and he again insisted, as Lord Lansdowne had insisted, that they must have something to satisfy Parliament and the British public that in giving up the Clayton-Bulwer treaty they had retained and reasserted the 'general principle' of it; that the canal should be technically neutral and should be free to all nations on terms of equality, and especially that in the contingency supposed—of the territory on both sides of the canal becoming ours—the canal, its neutrality, its being free and open

to all nations on equal terms, should not be thereby affected; that without securing this they could not justify the treaty either to Parliament or to the public; that the preamble that had already passed the Senate was not enough, although he recognized the full importance of the circumstance of its having passed.

UNITED STATES TO GREAT BRITAIN. (Answer of Secretary Hay in reference to the proposed article 3a:)

"The preamble of the draft treaty retained the declaration that the 'general principle' of neutralization established in article 8 of the Clayton-Bulwer treaty is not impaired. To reiterate this in still stronger language in a separate article and to give article 8 of the Clayton-Bulwer convention what seems to be a wider function than it originally had, would, I fear, not meet with acceptance. If, however, it seems indispensable to his Majesty's Government that an article providing for the contingency of a change of sovereignty should be inserted, then it might be stated that 'it is agreed that no change of territorial sovereignty or of international relations of the countries traversed by the aforesaid canal shall affect the "general principle" of neutralization or the obligations of the high contracting parties under the present treaty.'"

UNITED STATES TO THE SENATE COMMITTEE ON FOREIGN RELATIONS. (Secretary Hay explaining the composing of differences between the two nations:)

"The proposed draft in the new treaty was submitted to Lord Lansdowne, and after mature deliberation he proposed, on the part of His Majesty's Government, only three substantial amendments. \* \* \* Under this modified aspect of the relations of the two nations to the canal, he was not indisposed to consent to the abrogation of the Clayton-Bulwer treaty if the 'general principle' of neutrality which was reaffirmed in the preamble in the new treaty, as well as of the former one, should be preserved and secured against any change of sovereignty or other change of circumstances in the territories through which the canal is intended to pass, and that the rules adopted as the basis of neutralization should govern, as far as possible, all interoceanic communication across the Isthmus. He referred in this connection to articles 1 and 8 of the Clayton-Bulwer treaty. He, therefore, proposed by way of an amendment the insertion of an additional article."

The article proposed is as follows:

"In view of the permanent character of this treaty whereby the general principle established by article 8 of the Clayton-Bulwer convention is reaffirmed, the high contracting parties hereby declare and agree that the rules laid down in the last preceding article shall, so far as they may be applicable, govern all interoceanic communications across the Isthmus which connects North and South America, and that no change of territorial sovereignty or other change of circumstances shall affect such general principle or the obligations of the high contracting parties under the present treaty."

"The President, however, was not only willing but desirous that the 'general principle' of neutralization referred to in the preamble of this treaty should be applicable to this canal now intended to be built, notwithstanding any change of sovereignty or of international relations of the territory through which it should pass. This 'general principle' of neutralization had always, in fact, been insisted upon by the United States, and he recognized the entire justice of the request of Great Britain that if she should now surrender the material interest which had been secured to her by the first article of the Clayton-Bulwer treaty which might result in the indefinite future, should the territory traversed by the canal undergo a change of sovereignty, this 'general principle' should not be thereby affected or impaired. These facts were communicated to His Majesty's Government, and as a substitute for the article proposed by Lord Lansdowne the following was proposed on the part of the United States:

"It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the above-mentioned canal shall affect the general principle of neutralization or the obligations of the high contracting parties under the present treaty."

UNITED STATES AND GREAT BRITAIN TO EACH OTHER AND TO THE WORLD. (Second Hay-Pauncefote treaty, adopted by the Senate December 16, 1901:)

#### PREAMBLE.

"The United States and Great Britain, 'being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans by whichever route may be considered expedient, and to that end remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of



such canal under the auspices of the Government of the United States without impairing the 'general principle' of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries,' etc.

## ARTICLE 3.

"The United States adopts as the basis of the neutralization of such ship canal the following rules substantially"—

Not fully—

"as embodied in the convention of Constantinople signed the 28th day of October, 1888, for the free navigation of the Suez Canal; that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and reasonable."

That is up to the signing of the treaty.

The treaty was adopted—ayes 72, noes 6.

UNDERSTANDING OF THE UNITED STATES SENATE THAT THE WORDS "VESSELS OF COMMERCE AND OF WAR OF ALL NATIONS" INCLUDED VESSELS OF THE UNITED STATES.

The only unquestionable evidence bearing upon this matter is the report from the Committee on Foreign Relations explaining the purpose and meaning of the treaty and the votes on proposed amendments.

The Committee on Foreign Relations, through its chairman, Senator C. K. Davis, conveyed to the Senate the committee's construction and understanding; and there appearing nothing to the contrary, it must be admitted that the Senate, in adopting the treaty, adopted the construction placed upon it by the committee.

THE COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE. (Report of Senator Davis, chairman:)

"No American statesman speaking with official authority or responsibility has ever intimated that the United States would attempt to control this canal for the exclusive benefit of our Government or people. They have all, with one accord, declared that the canal was to be neutral ground in time of war and always open, on terms of impartial equality, to the ships and commerce of the world."

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"Special treaties for the neutrality, impartiality, freedom, and innocent use of the two canals that are to be the eastern and western gateways of commerce between the great oceans are not in keeping with the magnitude and universality of the blessings they must confer upon mankind. The subject, rather, belongs to the domain of international law."

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"Whatever canal is built in the Isthmus of Darien will be ultimately made subject to the same law of freedom and neutrality as governs the Suez Canal, as a part of the laws of nations, and no single power will be able to resist its control."

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"The United States can not take an attitude of opposition to the principles of the great act of October 22, 1888, without discrediting the official declarations of our Government for 50 years on the neutrality of an isthmian canal and its equal use by all nations without discrimination."

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"To set up the selfish motive of gain by establishing a monopoly of a highway that must derive its income from the patronage of all maritime countries would be unworthy of the United States if we owned the country through which the canal is to be built."

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"But the location of the canal belongs to other Governments, from whom we must obtain any right to construct a canal on their territory, and it is not unreasonable, if the question was new and was not involved in a subsisting treaty with Great Britain, that she should question the right of even Nicaragua and Costa Rica to grant to our ships of commerce and of war extraordinary privileges of transit through the canal."

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"It is not reasonable to suppose that Nicaragua and Costa Rica would grant to the United States the exclusive control of

a canal through those States on terms less generous to the other maritime nations than those prescribed in the great act of October 22, 1888; or if we could compel them to give us such advantages over other nations, it would not be creditable to our country to accept them."

ON THE QUESTION OF SPECIAL PRIVILEGES WITH REFERENCE TO TOLLS BECAUSE THE CANAL WAS BUILT WITH OUR OWN MONEY.

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"That our Government or our people will furnish the money to build the canal presents the single question whether it is profitable to do so. If the canal, as property, is worth more than its cost, we are not called on to divide the profits with other nations. If it is worth less and we are compelled by national necessities to build the canal, we have no right to call on other nations to make up the loss to us. In any view, it is a venture that we will enter upon if it is to our interest, and if it is otherwise we will withdraw from its further consideration."

"The Suez Canal makes no discrimination in its tolls in favor of its stockholders and, taking its profits or the half of them as our basis of calculation, we will never find it necessary to differentiate our rates of toll in favor of our own people in order to secure a very great profit on the investment."

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"In time of war, as in time of peace, the commerce of the world will pass through its portals in perfect security, enriching all the nations, and we of the English-speaking peoples will either forget that this grand work has ever cost us a day of bitterness or we will rejoice that our contentions have delayed our progress until the honor has fallen to our grand Republic to number this among our best works for the good of mankind."

SENATE COMMITTEE ON FOREIGN RELATIONS TO UNITED STATES SENATE. (Speaking through Senator Morgan, special report:)

"The treaty under consideration is for the avowed purpose of removing any objection that may arise out of the convention of April 19, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the United States, without impairing the 'general principle' of neutralization established in article 8 of the convention."

"That 'general principle,' as it is modified or specially defined in this treaty, is all that is left of the Clayton-Bulwer treaty, as now being in continuing force."

"All that is left of this general treaty is the 'general principle' provided in article 8 of the Clayton-Bulwer treaty. That is, that the vessels of all nations using the canal should be treated with exact equality, without discrimination in favor of the vessels of any nation."

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE. (Speaking through Senator Morgan, special report:)

"Then this convention, in article 2, proceeds to define and formulate into an agreement, intended to be world-wide in its operation, 'the general principle of neutralization,' established in article 8 of the Clayton-Bulwer treaty on the basis of the treaty of Constantinople of October, 1888, relating to the Suez Canal."

"Nothing is given to the United States in article 2 of the convention now under consideration, nor is anything denied to us that is not given or denied to all other nations."

VOTE OF SENATE ON ATTEMPT TO MODIFY THE HAY-PAUNCEFOTE TREATY SO AS TO EXEMPT OUR COASTWISE VESSELS.

AMENDMENT OFFERED BY SENATOR BARD:

Strike out all of article 3 and substitute the following:

"ART. 3. The United States reserves the right in the regulation and management of the canal to discriminate in respect to the charges of traffic in favor of its own citizens engaged in the coastwise trade."

ANSWER OF SENATE:

Vote—ayes 27, noes 43.

UNDERSTANDING OF THE NEGOTIATORS OF THE HAY-PAUNCEFOTE TREATY THAT AMERICAN VESSELS WERE INCLUDED IN ITS TERMS.

The treaty was made and worked into form by Hay and Lansdowne. Hay spoke through American Ambassador Choate and Chargé d'Affaires White. Lansdowne spoke through Ambassador Pauncefote and Chargé d'Affaires Lowther.

MR. CHOATE, AMERICAN AMBASSADOR, TO THE UNITED STATES. March 25, 1914. (Letter answering inquiry of Senator McCumber:)

"First. Was it understood by the state departments of the two countries that the words 'vessels of commerce and war of all nations' included our own vessels?"

"Second. Was it understood that these words also included our own vessels engaged in the coastwise trade?"



"I answer both of these questions most emphatically in the affirmative. The phrase quoted, 'vessels of commerce and war of all nations,' certainly included our own vessels, and was so understood by our own State Department and by the foreign office of Great Britain. It was understood by the same parties that these words also included our own vessels engaged in the coastwise trade."

MR. CHOATE, AMERICAN AMBASSADOR, TO THE UNITED STATES.  
(Same letter:)

"By article 2, clause 1, of the first Hay-Pauncefote treaty, that of February 5, 1900, it was provided that 'the canal shall be free and open in time of war as in time of peace to the vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise.'"

"And the language used by article 3, clause 1, of the second Hay-Pauncefote treaty of 1901, that now under consideration, is as follows: 'The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic.'"

"When we came to the negotiation of this last treaty, that of 1901, there was no question that, as between the United States and Great Britain, the canal should be open to the citizens and subjects of both on equal terms, and that it should also be open on like terms to the citizens and subjects of every other State that brought itself within the category prescribed. On that point there was really nothing to discuss, and in the whole course of the negotiations there was never a suggestion on either side that the words 'the vessels of commerce and of war of all nations' meant anything different from the natural and obvious meaning of these words. Such language admitted of the exemption or exception of no particular kind of vessels of commerce and of war of any nation, whether of vessels engaged in foreign trade or coastwise trade, or of steam vessels or sailing vessels, or of black vessels or white vessels, or of iron vessels or wooden vessels. The parties to the negotiation tried to use terms of the meaning of which there could be no doubt or dispute, and they meant what they said and said what they meant."

MR. CHOATE, AMERICAN AMBASSADOR, TO THE UNITED STATES.  
(Same letter:)

"The exception or exemption of vessels of the United States engaged in the coastwise trade would have excepted or exempted something like five-sixths of the entire shipping of the United States—coastwise, 6,812,532 tons; foreign, 1,017,862 (World Almanac for 1914, p. 176)—and it is inconceivable, as it appears to me, that we should have intended, without saying a word on the subject, to except or exempt what would thus be approximately the entire shipping of the United States. Any such idea would have made the further negotiation of the treaty impossible and would have wrecked the purpose which both parties had in mind."

MR. CHOATE, AMERICAN AMBASSADOR, TO THE UNITED STATES.  
(Same letter:)

"Of course, I submitted from time to time as the negotiations proceeded the substance of all our negotiations to our Secretary of State in dispatches and private letters, all of which, or copies of which, are, as I believe, on file in the State Department, and are doubtless open to the examination of Senators. And Lord Pauncefote, in like manner, was in frequent communication with Lord Lansdowne or the foreign office of Great Britain, and, of course, submitted all that was said and done between us to them. So when what you refer to in your letter as the State Departments of the countries approved and adopted the result of our work and exchanged ratifications of the treaty as it stands they necessarily intended that the words 'the vessels of commerce and of war of all nations' included our own vessels as well as those of Great Britain, and also included our own vessels engaged in the coastwise trade. There was no kind of vessel that the words used did not include."

MR. WHITE, AMERICAN CHARGÉ D'AFFAIRES, TO THE UNITED STATES. March 23, 1914. (Answering questions propounded by Senator McCUMBER:)

"I was in constant touch, as secretary of the embassy, with these negotiations, each phase of which Mr. Choate was good enough to tell me of. Indeed, I was often present during their discussion of the question at issue, which took place for the most part at the embassy."

"Under these circumstances, there is but one way in which I can answer the inquiry contained in your letter 'as to the understanding of Mr. Hay and Lord Pauncefote on the question

of the use of the canal by vessels engaged wholly in the coastwise trade,' to wit:

"(1) That the exemption of our coastwise shipping from the payment of tolls was never suggested to, nor by, anyone connected with the negotiation of the Hay-Pauncefote treaties in this country or in England."

"(2) That from the day on which I opened the negotiations with Lord Salisbury for the abrogation of the Clayton-Bulwer treaty until the ratification of the Hay-Pauncefote treaty the words 'all nations' and 'equal terms' were understood to refer to the United States as well as to all other nations by every one of those, whether American or British, who had anything to do with the negotiations whereof the treaty last mentioned was the result."

MR. HAY, SECRETARY OF STATE. 1904. (In conversation with Mr. W. F. Johnson:)

"I asked Col. Hay plumply if the treaty meant what it appeared to mean on its face, and whether the phrase 'vessels of all nations' was intended to include our own shipping or was to be interpreted as meaning 'all other nations.' He replied:

"All means all. The treaty was not so long that we could not have made room for the word 'other' if we had understood that it belonged there. All nations means all nations, and the United States is certainly a nation."

Mr. President, these are words we spoke to each other; these are the assurances upon which we asked the signature of the other party to a contract which must rest for its enforcement upon our national integrity. We are asked to maintain the sincerity of our words and the obligation of our treaty. What shall our answer be? Talk as we may, vote as we may, study as we may the wording of the final contract to find some technical excuse to avoid the natural meaning of the words "all nations," and to make them read "all other nations," we shall be unable to deceive ourselves or blind our eyes to the unassailable and unquestionable fact that we declared to the other party to this contract that "all nations" did include the United States, and that we are bound by every canon of national honor and good faith to give that treaty the same construction after it was signed as we did before the signatures of the parties were affixed.

The foregoing brief excerpts from our national and international discourse show conclusively—

That the policy of the Government from its earliest history has been equality of treatment of all vessels which might use any canal connecting the two oceans.

That this policy should control, no matter who owns the canal or where constructed.

That this policy was enacted into positive legislation in the "general principle" of article 8 of the Clayton-Bulwer treaty, which provided: "It is always understood by the United States and Great Britain that the parties constructing or owning the same [the canal] shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State"—

And so forth.

That when this Government approached Great Britain for the abrogation of the Clayton-Bulwer treaty, it gave emphatic assurances of our purpose to maintain that "general principle" of article 8 of the Clayton-Bulwer treaty without impairment.

That at that time the people of the United States understood that the interest upon the investment and cost of maintenance of the canal should be met by tolls collected from all the vessels using the same, including all of our own vessels, as per estimates then presented and published.

That at that time the people of Great Britain were perfectly willing to abrogate the Clayton-Bulwer treaty if in the new treaty the vessels of that country should be allowed the use of the canal on the same terms as the vessels of the United States, and which equality should also apply to vessels of all other nations.

That upon this mutual understanding of purpose the two countries proceeded to put the new treaty into form.

That in the negotiations in formulating the new treaty the one party was insistent that this equality of treatment of all vessels of both countries should be preserved beyond question, and the other party as positively asserted that the right was preserved without impairment in the preamble of the new treaty and reasserted in section 1 of article 3 of the new treaty.

That all parties to the negotiation of the treaty—Hay, Choate, and White on the American side and Lansdowne and Pauncefote on the British side—declared most positively that they all



understood the treaty to mean "equality of all vessels," including the American vessels, and (by Choate) that if it had not been so clearly understood the treaty never would have been agreed to.

That the report of the Committee on Foreign Relations to the Senate construes the treaty to mean that vessels of all nations included the vessels of the citizens of the United States.

That upon that report and without questioning the accuracy of its construction the Senate confirmed the treaty.

That an amendment to free our coastwise vessels from the operation of the treaty was voted down.

If we thought we had this right without the Bard amendment, then making that right certain could not possibly have done any harm.

If we thought we did not have this right and wished to secure it, then it was our duty to have voted for the amendment.

If we thought the other party to the contract was agreeing to it with the understanding that it compelled equal treatment of the vessels of both parties, but we believed that its words were not so certain and conclusive as to preclude us from giving it a different construction, then our act in closing that agreement with that misunderstanding, with that reservation in our minds, was a piece of downright deception, grossly shocking to individual morality, and most unworthy a great, powerful, honorable nation.

Mr. President, the obligations of national honor impose upon us the duty of giving that treaty a construction in accordance with the understanding of the representatives of both Governments at the time we entered into it, a duty from which no refined reasoning, no strained construction, no studied sophistry, and no pseudo-patriotism can ever relieve us. [Applause in the galleries.]

**THE PRESIDING OFFICER.** Under the rules of the Senate, occupants of the gallery are not permitted to express approval or disapproval, and they must obey the rules.

**MR. SIMMONS.** Mr. President, by way of perfecting the substitute amendment to the pending bill offered by me on yesterday, I wish to add, in line 5, after the date "1902," the following words: "or the treaty with the Republic of Panama ratified February 26, 1904"; and I ask for a reprint of the substitute as so modified.

**THE PRESIDING OFFICER.** If there be no objection, it will be so ordered. The Chair hears none.

**MR. JAMES.** Mr. President, I am in favor of the passage of the pending bill, first, because it keeps intact the Nation's honor, and, second, because it repeals a subsidy to a monopoly. Some of our friends upon this side of the Chamber and some upon the other side of the Chamber fail to call this issue by its right name. Some Senators call it "tolls exemption," but I call it a subsidy. I think President Taft, who signed the bill which we are now undertaking to repeal, had the true conception of what it really is, and in a speech which he made before the Canadian Club in Ottawa, Canada, he used this language:

The idea of Congress in passing the bill and my idea in signing it was that we were thus giving a subsidy to our coastwise ships between New York and San Francisco and Boston and Seattle, as we did in the early days to our transcontinental railways.

I think that is a true statement of just what this issue is. Some of our Democratic friends say that they feel that they ought to vote against this measure because the platform of the Democratic Party has committed them to that policy. Mr. President, I shall discuss that platform. I think I had a fair opportunity to observe the Baltimore convention, and I say to those of the Democratic faith who are seeking to base their vote upon that declaration in the platform, which contravenes the whole of the Democratic Party's history, all its traditions, and all its policies, that they are establishing themselves upon a very weak and a very dangerous foundation.

There is a declaration in that platform which says—and in order to be absolutely accurate, I shall read it—

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

What is meant by "American ships"? Some gentlemen say, "Why, that means, of course, all vessels flying the American flag." I know that those who drew it expected it to mean that; but when they stated they were in favor of exemption of American ships engaged in coastwise trade, what was the natural thought that came to the mind of every Democrat? It was that we were exempting ships of the United States doing the work of the Government for the whole people, not the ships of a monopoly doing private business for personal profit. The platform did not say "We are in favor of the exemption of ships owned by American citizens" from payment of tolls, but

they clothed it in that very patriotic language of "the exemption from tolls of American ships engaged in coastwise trade." But before that statement in the platform we find this declaration:

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine, which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

If we are to say the first declaration meant a subsidy to the coastwise shipping monopoly, then, according to these contradictory planks in the Democratic platform, you would give a subsidy to a monopoly engaged in the coastwise trade, not extending our commerce with the nations of this earth, not finding sale for the product of our labor, but, under the law, a monopoly that is without foreign competition. You would give a subsidy to them, and, under the guise of American ships, you would allow the Standard Oil ship flying the American flag, you would allow the Steel Trust ship flying the American flag, you would allow the Coal Trust ship flying the American flag to go through the canal without cost, but you would hold at its gates the ship loaded with the product of our labor consigned to some South American port, flying the American flag, and require it to pay a toll before you would allow it to pass through the canal.

If I were in favor of a subsidy of any character, I should give it to that ship and to those engaged in the merchant marine that operate in competition with the world, extend our trade, and find a market for our labor, instead of giving it to a monopoly that did neither, and that was absolutely, by reason of the law, protected against competition.

But I do not stop there in the consideration of this question before the Democratic convention. This platform goes further:

At this time when the Republican Party after a generation of unlimited power in its control of the Federal Government is rent into factions, it is opportune to point to the record of accomplishment of the Democratic House of Representatives in the Sixty-second Congress. We endorse its action, and we challenge comparison of its record with that of any Congress which has been controlled by our opponents.

Mr. President, what was the rock upon which we built our hope and our faith in the battle of 1912? For almost 20 years we had been out of power. Our Republican brethren had controlled both branches of Congress and the Presidency. For the first time in that length of time we had been trusted by the American people with control of the great House of Representatives, and we built our hopes for success upon the rock of accomplishment and the acts of the House of Representatives in that Congress.

Upon this very question of giving a subsidy to this coastwise monopoly, when the roll was called and the Democratic membership of that House answered, a majority of the Democrats voted against this subsidy. This platform indorses that Democratic House of Representatives. It indorses its acts. One of its acts was that a majority of its membership, under a roll call of record, had voted against this very provision.

I say, Mr. President, and as I declare it I measure my words and weigh them well, that if that great convention had known the full facts and this question had been presented to them in the open, those favoring this subsidy saying this exemption of tolls to American ships meant a subsidy to this monopoly, that convention would not have adopted this plank by a vote of 73 to 125, as is shown by a poll recently taken of those delegates who constituted that convention, but I believe that out of the entire membership in it this policy of subsidy would not have received 100 of the votes there assembled. Three of the best known tenets of my party which I have been taught are a tariff for revenue only, taxation of the fortunes of the rich, and opposition to subsidy. I challenge any man who claims to speak the language of my party to name three better known or better loved principles of the Democratic Party.

I do not have to stop there, however. In my judgment, the reason for adopting this plank favoring exemption from tolls or a subsidy for American ships, if that is to be the construction given to it—American ships that were owned largely by that dominating financial force which that convention, by resolution, said they wanted no President to be controlled by—was to drive through this body, in which that bill was then pending, this tolls exemption or subsidy proposition.

I am not wandering upon strange ground when I declare that my party has always opposed a subsidy. I have a record of its platforms in the past. The very shibboleth of it, "Equal rights to all and special privileges to none," is enough, if no more.

As the Senator from Oklahoma [Mr. Owen] suggests, under a poll of the delegates since made, when this question was submitted to them, more than 726 of the delegates that have replied voted in favor of the repeal and only 125 were opposed to it.



When I came to Congress, nearly 12 years ago, the first battle I saw fought by my party was against a subsidy.

Let us see, however, what the party has said before.

In our platform of 1900, what did we say? Here it is:

We denounce the lavish appropriations of recent Republican Congresses, which have kept taxes high and which threatened the perpetuation of the oppressive war levies. We oppose the accumulation of a surplus, to be squandered in such barefaced frauds upon the taxpayers as the shipping subsidy—

Barefaced frauds! Why, now you call it something else.

Such barefaced frauds as the shipping subsidy bill, which, under the false pretense of prospering American shipbuilding, would put unearned millions into the pockets of favorite contributors to the Republican campaign fund.

That was the Democratic platform of 1900; but we will not stop there. Let us see what they said in 1904.

The Democratic platform of 1904 uses this language:

We denounce the ship-subsidy bill recently passed by the United States Senate as an iniquitous appropriation of public funds for private purposes, and a wasteful, illogical, and useless attempt to overcome by subsidy the obstructions raised by Republican legislation to the growth and development of American commerce on the sea.

We favor the upbuilding of a merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

That was the declaration of our party in 1904.

In 1908, in the Democratic platform, we used this language:

We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

So our party in 1900, in 1904, and in 1908 has declared against subsidies of every character. It has said that it was undemocratic, that it was a barefaced fraud, that it was an iniquitous appropriation of public funds for private purposes. In our platform of 1912 we again reiterate our position of opposition to subsidies.

But what is the issue here now presented? Some of our distinguished friends say that we ought to allow this because if we do not we will surrender to England.

Mr. President, my hatred for England is not fierce enough to make me give a subsidy to a monopoly. Under the guise of "not surrendering to England" I am not going to surrender the Public Treasury of the United States of America to a shipping monopoly.

Surrendering to England? What are we surrendering to England? Our country made a treaty with them. I did not make it; our party did not make it; but men representing our country did make it. If that treaty, as I believe it does, denies us the right to give this character of subsidy to a monopoly, I hope to see more treaties made between this country and other countries that will deny us the giving of special privilege to private monopoly.

But it is the old cry over again. When they first came to the United States Congress and asked us to give them the right of subsidy, to take the people's money, the taxpayer's money, from their Treasury and give it to a favored few, generally, as in this case, a monopoly, they called it then a subsidy. They were defeated. The next time they came demanding the right to take from the Public Treasury so many million dollars and give it to a monopoly they called it a "subvention," and now they come, this time, and they call it a tolls exemption.

What are the facts, Mr. President? We built the Panama Canal. We taxed the American people \$400,000,000 to build it. The canal is built. It has saved us in the time taken for transportation at least two-thirds of that formerly required. Now, these gentlemen are coming with their ships, not carrying the commerce of the Government—not at all. They speak of them as American ships, as if they were loaded down with the munitions of Uncle Sam. They call them American ships, as if they were doing the peculiar service of the Government, when they are privately owned ships carrying the commerce of other private citizens for money, for profit.

They come to the canal. Here it is. It has been built. Four hundred million dollars it has cost the producers of the United States of America. What is the price that it costs us for its upkeep? About \$4,500,000 a year. Here comes one of the ships making immense profits. It goes up there, and the monopoly that owns it says to Uncle Sam, "Open your gates; give us a pilot; put your men on board; furnish the coal; furnish the power; furnish the labor; and take our ship 50 miles through the canal and empty it into the Pacific Ocean; but we are not going to pay you anything for it." It is true the ship monopoly is being paid by citizens who ship their goods, to transport them from coast to coast, but they want to have Uncle Sam—that is, all the people—to do for them without charge or cost that for which they have been abundantly paid by the shippers themselves to do.

Why, Senators, if it were proposed that we should give to every laborer in this country who did not make as much as \$2 per day a subsidy that would make up the additional amount required in order to meet the \$2 wage, Senators would call that socialism, and they would be right; but you are doing the very same thing, not for the poor fellow who digs into the earth or beats at the forge for his bread, but for a monopoly, and you call that Americanism!

Take this ship. You run it through the canal. The Government of the United States is responsible for every dollar of damage that is done to it. All we ask from this monopoly is simply this: We have reduced the time for you. We have made it possible for a ship to go from New York to San Francisco in one-third the time formerly required. We have given you an absolute monopoly, so far as the Government is concerned, against competition with foreign vessels. Now, all we ask of you is this: Just pay us what it will cost us to put you through the canal; that is all. We do not want any interest upon the \$400,000,000 we have expended; we do not want any profit upon our investment, but we ask you in the way of tolls to pay your pro rata part of the charge that we have to pay in order to operate the canal.

Oh, but some of our friends tell me that the reason they are in favor of this exemption is because it will lower transportation rates. Yes! I never did see an advocate of a subsidy come up and meet the issue fairly and squarely. They always have some deceptive cry. It is always not for themselves—oh no—but for the dear people. "Just let us ram our hands into the Public Treasury and take the money out, and then we will give it back to the people in an indirect way." As the people already have the money, I would rather rely upon keeping it by holding it in the Treasury, rather than to hand it to them upon the theory that they will give it back to us again by a reduction of freight rates. One thing of which we can be certain the monopoly in any event will not give us more back than they took from us, so we in any event have nothing to gain.

That is the principle, however. Why, the advocate of this subsidy first dons the uniform of Uncle Sam; he grabs the American flag and waves it over his head, and cries, "Patriotism, patriotism, patriotism," when what he really means is "Plunder, plunder, plunder." Then, if that does not work, why, "We will say, then, that you are surrendering."

Let us see about the question of freight rates. Who is the best qualified man in this Government to speak upon the question of whether or not exemption from tolls will lower freight rates? Col. Goethals built the canal. I want to read to the Senate what he says upon this question of lowering freight rates, and I will read it. He says:

NO FREE TOLLS, SAYS COL. GOETHALS.

[A statement by Col. Goethals.]

My views on the economic side of the tolls question follow: Government will expend \$375,000,000 for canal and intends to charge for its use. Basis of tolls given in Emory Johnston's report on Panama Canal traffic and tolls, pages 193, 194, and 195. These figures should be corrected for operating expenses, which will be \$5,500,000, including depreciation.

I believe tolls should pay outstanding indebtedness, fixed charges, and operating expenses, leaving amounts appropriated from current revenues to be the contribution of the present generation toward canal, and because of unknown future conditions not burdening posterity for remainder. Bond issue to date under canal acts \$134,631,980. Interest on these approximately \$3,200,000, annual amount to be set aside for redemption of bonds \$3,250,000, operation and maintenance \$5,500,000, annual payment to Panama \$250,000. Amount to be secured annually through tolls is therefore \$11,950,000. If additional bonds are issued, these figures should be changed accordingly.

To secure this amount through tolls—

Five million and five hundred thousand dollars—

It is necessary to charge all shipping, as indicated in report quoted. Established steamship companies fix rates after conference, and as they are in the business for profit will demand the highest rates the traffic will bear.

Yes; this beneficent Shipping Trust that is so patriotic now, clad in the habiliments of Uncle Sam and waving his red, white, and blue colors, whenever it gets the subsidy, Col. Goethals says, it will have a conference and do what? Demand the highest rates the traffic will bear.

These rates will be independent of tolls. It follows that exemptions from tolls will not give cheaper rates from coast to coast to either shipper or receiver, but will increase profits to shipping companies.

And yet, because the President of the United States of America has asked Congress to repeal a law of this character that will do nothing more, according to Col. Goethals, than to pour money into the pockets of the shipping monopoly he is denounced as a surrenderer of American rights, and it is said that he is afraid to defend American honor. He is charged with cowardice, and every other charge imaginable is brought against him. Why? Because the profits are not permitted to



flow from the people's Treasury into the pockets of these gentlemen who own this shipping monopoly. When the Alaskan railroad is built will gentlemen here insist that after the Government has expended \$40,000,000 in constructing it that the freight of the Gugenheim-Morgan syndicate shall be transported over it without charge? Will they say the American taxpayers built and paid for it in order that monopoly might use it free? Speaking for myself—and, I know, for the people of Kentucky—I consider such a contention as the very acme of special privilege and the worst of subsidies.

Col. Goethals proceeds:

The same is applicable to rates from interior points to either coast. Agreements will be made between railroads and ships for through rail and water rates same as at present, and rates divided between two interests as per agreement. Again, exempted tolls will not give lower rates to shipper or receiver.

Therefore free tolls to vessels engaged in coastwise trade result in a subsidy to a class of shipping already fully protected and not in need of subsidy.

You can not even claim that they need the subsidy. You can not even claim that they are not fully protected in everything in these two governmental advantages by law, and you now want to give them a subsidy.

Col. Goethals continues:

I do not believe in exemption of tolls for coastwise trade, first, because this amounts to a subsidy to a class of shipping and will benefit stockholders and not shippers; second, because this canal will need all the revenue it can get to pay its current expenses and indebtedness.

Our position is let the ships pay for this themselves. The other gentlemen want the taxpayers to pay for it.

I suppose Col. Goethals wants to surrender after he went at the risk of his life to construct this great improvement.

But what is the next question that is brought up. I notice, Mr. President, that some of my Democratic friends are very solicitous about the Democratic platform. They are the special guardians of the party faith upon this particular issue. I have as much respect and as much loyalty and as much devotion for a Democratic platform as any man upon this floor, but let us see what it is upon this question where there are two declarations against a subsidy and one of doubtful construction for it.

I want to point out one plank in this platform of the Democratic party of which there was no earthly doubt. It is not susceptible of a double construction. It has no contradictory provisions in it.

I expect to show, Mr. President, that some of the gentlemen who are assailing us most bitterly for violating what they contend is a declaration for a subsidy have themselves been the first offenders.

I do not cite that to justify the act of any other Democrat who may be unwilling to follow the direction of his party in its platform, but I submit it for the purpose of showing that these gentlemen had the opportunity first to show loyalty to the platform where a subsidy was not involved and they were not very active in its defense.

What is that plank? In the House of Representatives, the Democratic House of the Sixty-second Congress, there was introduced what was known as the Cullop amendment. It was offered as an amendment to a bill creating a new judicial district and providing for the appointment of a judge. It was introduced for the purpose of requiring the President of the United States to make public the names of all persons and all communications in relation to the appointment or any recommendation made in regard to the appointment of a judge.

That amendment was adopted by the Democratic House of Representatives. I was a Member of the House at that time and voted for it, and it came to this body, which was then Republican, and it was defeated.

When we assembled in the Baltimore convention with that question fresh in our minds a plank upon the provision of publicity was made to apply directly to such cases, and the cause for its adoption was the defeat by the Republican Senate of that very provision in the House bill. The reason for that provision in the Democratic platform was this: There was great unrest in the country in regard to the judiciary. Col. Roosevelt himself was advocating the recall of Federal decisions. Many gentlemen of distinction and ability were advocating the recall of Federal judges. The Democratic Party sought to throw the light of publicity around these appointments. We adopted this plank for that purpose, and I want to read it:

We note with gratification the unanimous sentiment in favor of publicity, before the election, of campaign contributions—a measure demanded in our national platform of 1908, and at that time opposed by the Republican Party—and we commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written, upon which presidential appointments are made.

The one thing which caused the insertion in the platform of that plank was the amendment known as the Cullop amendment to the bill creating a judicial district.

And, Mr. President, why not? A judge holds the scales in which the life of a human being is weighed. He holds the scales in which the property rights of our citizens are weighed. As to this important official, who has within his keeping the happiness, the property, and the lives of our citizens, the Democratic Party said that every light that can shine ought to be thrown around such recommendations and appointments.

The Democratic Party wrote that in its platform. Yet my distinguished friend Senator O'GORMAN assails all bitterly who refuse to accept the version of that 1912 Democratic plank as applying to a subsidy. I have the record to show, as a member of the Judiciary Committee, when a like bill went before that committee with an amendment providing for publicity which came from this present Democratic House, and that committee reported it to the Senate with an amendment striking out the publicity amendment. We did not see Senator O'GORMAN, heroic and powerful, towering with drawn sword as a defender of the Democratic platform and assailing all those who refused to follow as a betrayer of the Democratic trust.

Mr. O'GORMAN. Mr. President—

The PRESIDING OFFICER (Mr. SWANSON in the chair). Does the Senator from Kentucky yield to the Senator from New York?

Mr. JAMES. I yield.

Mr. O'GORMAN. I do not suppose the Senator from Kentucky would be guilty of any unfair statement regarding one of his colleagues; but on a former occasion when he alluded to this incident I told him in the Senate that I was not present at a meeting of the Judiciary Committee when that action was taken, and I was advised within half an hour afterwards that the Senator himself went to the clerk of the Judiciary Committee and asked for the record of those who were present at that meeting. The record which was shown to him disclosed the fact that the Senator from Idaho [Mr. BORAH] and the junior Senator from New York did not attend the meeting.

While there might have been some excuse for the Senator's reference to this matter on a former occasion, in the light of the information which he received from the clerk of the Committee on the Judiciary, I will leave it to the judgment of my colleagues whether there is any possible excuse, justification, or extenuation for the repetition of the statement on this occasion.

Mr. JAMES. Did the Senator from New York follow my language? I said that the Senator from New York was a member of the Judiciary Committee, and that committee struck out that amendment, and it was so reported to the Senate, and that I did not see the Senator defending that Democratic promise.

But the Senator has not looked at the record, happily for my position. Mr. President, I have the record here myself. The one to which I at one time in the Senate alluded and to which the Senator says that he was not present does not apply to the Chilton bill which I have in front of me with the record notes of the proceedings of that committee, and I shall read it:

Mr. CHILTON called up S. 577, authorizing the appointment of an additional circuit judge in the fourth circuit. Upon motion of Mr. O'GORMAN, the bill was ordered reported favorably, and Mr. CHILTON requested to make the report.

The Senator from New York will not say that I misrepresent him in this record I have read. Mr. President, the purpose of the Democratic Party in adopting that particular plank to which I referred was caused by the Cullop amendment; and does the Senator say he had not knowledge that the House again had passed such an amendment to the Palmer bill?

Mr. O'GORMAN. Mr. President—

Mr. JAMES. But if the Senator was not there, I point him to the Democratic platform which requires publicity in the case of all appointments; and here he is creating a new appointment, and he does not apply the plank of the Democratic platform which he himself helped to make to a provision of the law.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New York?

Mr. JAMES. I do.

Mr. O'GORMAN. Does the Senator from Kentucky state that at the meeting to which he now refers the subject of which he speaks was under consideration or discussion?

Mr. JAMES. Oh, it ought to have been.

Mr. O'GORMAN. No; I am asking was it?

Mr. JAMES. I do not know what was under discussion. I know that you reported out a bill with that provision of publicity left out. The Senator may escape my charge by saying that he was not present when the committee struck out the House amendment, but he can not escape the charge that the Chilton bill, that was before his own committee, had no such



amendment to it, but ought to have had one, and the Senator did not offer one, but moved to report it out without a publicity amendment, and it was reported out and passed.

Mr. O'GORMAN. Then, Mr. President, it seems that all the committee did on the occasion to which the Senator refers was to confirm an appointment made by the President of the United States.

Mr. JAMES. Oh, not at all, Mr. President. The Senator is clearly mistaken. The committee was considering a bill creating a new judicial district and providing for an appointment by the President. The Senator misstates the whole issue.

Mr. O'GORMAN. The bill originated in the House?

Mr. JAMES. I do not know whether the bill originated in the House or in the Senate, but it was in the Senate, and the bill was for the purpose of creating a new judicial district and a new judge, and not for the purpose of confirming an appointment. The Senator is very badly mixed up in his cards. He is not as familiar with Democratic platforms as I anticipated that he was.

Mr. O'GORMAN. I do not claim any particular familiarity with cards; I leave that distinction to the Senator from Kentucky; but I repeat, as I have said on a previous occasion, that at no time in my presence at a meeting of the Judiciary Committee was the question discussed as to whether the President of the United States had failed to comply with the provisions of the platform requiring that all indorsements for judicial positions should accompany—

Mr. JAMES. Again the Senator has mistaken the issue. The question was not what the President had done about making public any recommendation given to him. That was not the issue. The Senator helped to write the Democratic platform in which there was a plank which said that it was our policy to require by law all recommendations and all indorsements to be made public. My position is that the Senator as a legislator was helping to pass the bill through the Senate and did not carry out the promise of the Democratic platform in regard to that provision. The President had nothing to do with it. The President made no recommendation. It was a bill introduced by the Senator from West Virginia [Mr. CHILTON]. Not only that, Mr. President, but I have the record here of many other bills creating other new judicial districts and providing for appointments of judges that were introduced and before the committee of which the distinguished Senator from New York was a member, and to not a single one of those bills was there an amendment offered putting in effect the plank in the Democratic platform made at Baltimore.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Montana?

Mr. JAMES. Certainly.

Mr. WALSH. I, too, am a member of the Judiciary Committee, and all the strictures addressed to the Senator from New York equally apply to myself. I therefore want to be clear about the attitude of the Senator from Kentucky. There is a plank in the platform calling for legislation requiring that the President of the United States should make public all recommendations for public office.

Mr. JAMES. Not at all. The Senator does not understand the platform. [Laughter.]

Mr. WALSH. Well, I am trying to understand the Senator. I understand he complains because the Democratic members of the Judiciary Committee, when the bill he speaks of was under consideration by it, did not offer an amendment calling upon the President—

Mr. JAMES. Providing by law.

Mr. WALSH. Exactly.

Mr. JAMES. That was the cause originally of the plank being placed in the platform.

Mr. WALSH. I understand the Senator distinctly. Accordingly every act of any kind which has during the present session come before this body, under the provisions of which any new office has been created, must carry with it a provision—

Mr. JAMES. Oh, the Senator, Mr. President, is not frank. The Senator is not fair in that statement.

Mr. WALSH. That when the officer is appointed the President of the United States shall make public the recommendations given concerning that office, and every Democrat here who, being a member of a committee to which any legislation of that character was submitted, did not propose an amendment of that kind is equally subject to the strictures of the Senator.

Mr. JAMES. The Senator need not undertake to interpret my speech. I want to say to the Senator that if he had read recently that plank of the platform he would not have made that statement. The reason why that plank was written in the platform was to apply particularly to the appointment of judges.

That is why it was written there. And to whom would we look to throw the white light of publicity around judicial appointments except to such guardians of Democracy as Senator O'GORMAN and Senator WALSH? You gentlemen were upon the committee, and you can not escape whatever responsibility attaches to that neglect to carry out the promises of the Democratic platform by saying that some other Democratic Senator who was not on the committee and knew nothing about it ought to have done what you yourselves failed to do.

Mr. O'GORMAN and Mr. WALSH addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Kentucky yield?

Mr. JAMES. I will yield to either Senator.

Mr. WALSH. I will ask the Senator if the meaning is not that there should be general legislation to that effect?

Mr. JAMES. I say to the Senator that the reason why it was written into the platform was because it was attached to a bill just like the one the committee of which he is a member struck it from and just like the others to which the committee failed to apply it. I can only answer the Senator by saying that the thing that brought about the writing of that plank I suppose was the thing that we desired to remedy.

Mr. O'GORMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New York?

Mr. JAMES. I yield.

Mr. O'GORMAN. The Senator from Kentucky was a Member of this body when the bill to which he alludes passed this body.

Mr. JAMES. Certainly I was a Member of it, but I knew nothing about it. I was at that time, if the Senator will permit me, relying upon him. I knew what a guardian he was of the Democratic platform. I was out helping to make the tariff bill. I was sitting night and day in company with the Senator from Missouri [Mr. STONE], the Senator from Colorado [Mr. THOMAS], and the Senator from North Carolina [Mr. SIMMONS] on a subcommittee when this performance was going on, and I relied upon the Senator from New York. I will swear I did. [Laughter.] I had implicit confidence in the Senator from New York. [Laughter.]

The PRESIDING OFFICER. The Senate will be in order.

Mr. O'GORMAN. Was the Senator from Kentucky surprised that none of the Democratic membership of this body raised the point to which he referred.

Mr. JAMES. The Senator must not seek to escape by trying to secure from me a censure of his colleagues. I can not agree to do that, Mr. President.

I can not agree to that, Mr. President, because we all know that Senators who are on the committees are those to whom we look for guidance when a bill is brought before this body.

Mr. O'GORMAN. Mr. President, no matter what excuses may be offered by the distinguished Senator from Kentucky exculpating himself from responsibility for legislation which he now condemns—

Mr. JAMES. Oh, Mr. President, I am not the special guardian of the Democratic platform, as is the Senator from New York.

Mr. O'GORMAN. Evidently the Senator to-night thinks he is the special representative of certain elements of the party, and is making as good a defense of their party perfidy as his great ability makes possible.

Mr. JAMES. Perfidy! Mr. President, the idea of that word escaping the lips of one who advocates taking the public money and giving it to a monopoly as a subsidy! Perfidy indeed! [Applause in the galleries.]

The PRESIDING OFFICER. Occupants of the galleries must not express approval or disapproval of anything which takes place on the floor of the Senate; and the Chair will insist on the observance of the rule.

Mr. JAMES. Mr. President, I simply brought forward these Democratic acts and Democratic platform utterances in order to clarify in some degree the atmosphere in this Chamber. Suppose my friend the Senator from New York would yield to me to offer an amendment providing, as to the farmers of my State—and they are good people; they are deserving people; they are patriotic people—that a subsidy should be given to them of this sort, allowing them to ship or to have transported through the mails by parcel post, and that they should be exempt from postage to the extent of a hundred dollars per year in sending their eggs, their meat, and products of the soil to the market; that would be called socialism; that would be denounced vehemently; but when you have given it to a monopoly it rises above such low earth as that and treads upon the purer heights and mountain top of statesmanship. When—



ever you take from all the people and give to a particular class, and especially if that class is a monopoly and does not need it, and is very rich, why, of course, that is Americanism; and gentlemen who do not do that must forever wear the brand of yielding cowardlike to Great Britain.

Mr. MARTINE of New Jersey. Mr. President—

Mr. JAMES. I am delighted to yield.

Mr. MARTINE of New Jersey. I can not resist stating to the Senator from Kentucky that I think he, in common with the greater part of the Senators from the South, voted for a subsidy to eradicate the cotton boll weevil, and some of the rest of us were duped into voting for it, too. Now, "acknowledge the corn." You did it in your interest—

Mr. JAMES. Mr. President, I have never heard the question of a subsidy raised; have never seen an attempt to take the public money and give it to a monopoly as a subsidy advocated by anybody in this Chamber when it was assailed that they did not talk about the cotton boll weevil.

Mr. MARTINE of New Jersey. Call it what you may, it is much of the same character, according to your idea.

Mr. JAMES. Oh, Mr. President, happily I can see a difference between taking a couple of million dollars a year out of the Public Treasury and ramming it into the pockets of a monopoly owned by a lot of very rich people up on the coast of New England and in New York, and appropriating a sum of money to try to eradicate the boll weevil that is destroying all the cotton of the toiling farmers, who wring from the earth under the sunny skies of Dixie that product which keeps the balance of the world's trade in our favor. Bless your soul, Senator, if you do not see any difference between those two things, your Democratic education has been sadly neglected. [Laughter.]

The PRESIDING OFFICER. The Senate and the galleries must be in order.

Mr. MARTINE of New Jersey. Mr. President, my education in the cause of Democracy has been at a shrine as pure and holy as that of the Senator from Kentucky. I say it is well for the Senator to defend his side of the question in breaking up a Democratic platform, but call it "subsidy" or whatever else you may, it is of the same kin and character as the illustration to which I have referred.

Mr. JAMES. Mr. President, I am perfectly content with my position. I am willing to account to the great people of Kentucky; and when the Senator from New Jersey speaks of the Democratic platform, to which one of the three planks does he refer—the two against subsidy or the doubtful one in favor of it? Whatever I may do about constraining Democratic platforms, no President of my party will ever have me standing with the enemy firing upon him when he is fighting the greatest battle that was ever fought in favor of human rights and in the interests of the great mass of the American people.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Oklahoma?

Mr. JAMES. I yield.

Mr. OWEN. Will the Senator from Kentucky permit me a moment to call his attention to the fact that the Democracy in not a single one of the 48 States authorized this subsidy to be put into the Democratic platform?

Mr. JAMES. Why, certainly not, Mr. President. You could not get 50 in a Kentucky Democratic convention of a thousand delegates to advocate a subsidy. It is antagonistic to the whole history and the whole teaching of the Democratic Party from beginning to end.

Mr. MARTINE of New Jersey. No; and you could not have got 50, I believe, in all the States of the Union that would have voted to expend money for the building of the Panama Canal, at a cost of \$400,000,000, had they known that this was to be the policy of the United States Senate.

Mr. JAMES. Why, Mr. President, that is just where the Senator from New Jersey is in error. After the people dug the canal, at a cost of \$400,000,000 to the taxpayers, then you take your ships there and say: "Here, take charge of us now; run us through. It will cost you on an average of \$3,000 per ship, but you take us and run us through." Why do you not send the Government wagons out to the farmers in this country and haul their products to town free of charge. It would be just as fair as it is to haul the ships of monopoly through the canal without any charge. Why do you not pay the laborer's way to and from his daily toil? He needs it worse than this Rockefeller-Morgan-Wall Street monopoly does. But the worst of it all is you take from the farmer and the laborer and give to the monopoly.

Mr. MARTINE of New Jersey. The Senator would go backward. The same argument that he advances would establish toll gates on every highway in our land.

Mr. JAMES. Ah, Mr. President, after we have dug the canal, after the ships go up to it, then your monopoly is not satisfied with the great expenditure of money. We do not want any profit; we do not ask any interest on the money; we ask only that you pay your proportionate part of the work we do for you; that is all, and nothing more. It reminds me of the fellow down in my community who would not work, and after the neighbors had become tired of giving him this and giving him that, aiding him and feeding him, a few of the boys, in a spirit of devilry, one day said, "We will take this fellow, put him in a coffin, haul him to the graveyard, and bury him." They put him in the coffin and started with him to the graveyard, and as they were going along they met an old farmer with a load of corn, and he said, "Boys, who is dead?" They said, "Bill Jones." He said, "Is he dead?" They said, "No; but we are going to bury him anyhow." He said, "My goodness, you are not going to bury him alive, are you?" They said, "Why, certainly." He inquired why. They said, "Because he will not work. We have been giving him and giving him, and he will not do anything to support himself." The old man said, "Boys, do not do that; I will give him a load of corn." The fellow stuck his head out of the coffin and said, "Is it shelled?" The farmer said, "No." The man in the coffin said, "Drive on, then." [Laughter.] That is the way with the ship monopoly. After we have expended \$400,000,000 digging that canal for them, then they come to the canal and say, "You dug it for us; now put us through it."

My friend the distinguished Senator from Mississippi [Mr. VARDAMAN], always happy and eloquent in expressing himself, proceeded to tell us in that very elaborate and excellent discourse he made on this subject that President Wilson had signed the death warrant of the Democratic Party. Mr. President, I should have expected that prophecy from some one upon the other side—some of our Republican friends, but not from a Democratic Senator, especially from Mississippi. I have heard the funeral of the Democratic Party preached many times, but always from the other side. They have told us of the impending death of this party of Democracy which was born before the Constitution and has buried every party that has contended against it, and I want to say to the Senator from Mississippi that if it shall ever go to its grave, which God forbid, the hand that takes its life will do something more than sign a bill repealing a subsidy to a monopoly. Signing a bill repealing a special privilege to a monopoly will come as near killing the Democratic Party as proclaiming anew the Ten Commandments would in killing the Christian religion.

But, Mr. President, the Senator from Mississippi tells us that Roor and Bryan are going hand in hand, side by side. Everybody nowadays takes a lick at Mr. Bryan, but under each blow which they deal him he grows in strength and in the love and the confidence of the American people. Roor and Bryan side by side. What a powerful argument to drive the Democrats in favor of a subsidy. I, Mr. President, have always taken the position that I would not allow some one with whom I disagreed to select my position for me, and I would not allow the fact that Senator Roor was in favor of repealing the subsidy to drive me from its support.

But if that powerful argument, so subtle and brilliant, is to have an effect, let me see with whom the distinguished Senator, my beloved friend from Mississippi, is associated. If companionship and comradeship in this struggle is to be the brand of infamy, behold the hero of Mississippi marching down to the good old State where the cotton blossoms, advocating this subsidy to this monopoly, upon one side of him the distinguished Senator GALLINGER and upon the other side of him the distinguished Senator Smoot, and directly in front of him BORES PENROSE, of Pennsylvania. [Laughter.]

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New Hampshire?

Mr. JAMES. I yield.

Mr. GALLINGER. The Senator from Kentucky, Mr. President, honors me by calling me by name, contrary to the rules of this body.

Mr. JAMES. I withdraw that, Mr. President.

Mr. GALLINGER. But no matter about that, I simply rise—

Mr. JAMES. I meant no offense at all; I merely desired to put the Senator from Mississippi in good company.

Mr. GALLINGER. I simply rise to say, Mr. President, that the performance that is going on to-night is an illustration of "how good and how pleasant it is for brethren to dwell together in unity."

Mr. JAMES. And how good and how pleasant it is for that statement to come from one who has so recently dwelt in such harmony and unity with his own colleagues. [Laughter.]



But, Mr. President, I say if that argument is a good one now, I point to the fact that Senator VARDAMAN is following the leadership of Senators upon the other side of the Chamber and following a majority of the Republicans of this Chamber. I do not present that argument because it has any merit; I present it because I deem it a worthy and fit reply to the suggestion made by the Senator from Mississippi.

Speaking for the great Commonwealth of Kentucky, I rejoice to take my stand with President Wilson. Practically the men of that State of all parties and creeds are supporting him in this battle against subsidy. I delight in the thought that no monopoly can make our President surrender the people's money to it. No fake or false cry of "surrender" can drive him from the position that a Nation's honor must be as pure as the mothers' hearts who prayed, as clean as the fathers' hands who fought to create this great Republic to have it take its place among the nations of the earth. Mr. President, against the insolent demands of this monopoly for this subsidy I place the rights of every taxpayer in this Nation: those who by toil in the field and the forest, the shop and the factory pay the taxes that built this canal, pay the taxes that must operate and maintain it. In their interest I solemnly and emphatically insist that this great engineering feat shall not be made the vehicle upon which greed shall raid the Public Treasury and exploit our people.

Mr. President, the people of the United States of America demand the repeal of the tolls-exemption clause of the Panama Canal act; first, because it violates this Nation's honor; and, second, because it violates the best-known principle of popular government—equal rights to all and special privileges to none.

Mr. THORNTON. Mr. President, I do not propose to discuss any phase of this question that I mentioned in my address to the Senate on the 9th of May, but I wish briefly to allude to two points in connection with it which have been given prominence in the debate since that time.

Some Democratic Senators in this body who are opposed to the repeal of the exemption clause of the canal act lay great stress on the fact that a provision of the Baltimore convention declared in favor of the exemption of American vessels in the coastwise trade from the payment of tolls.

I think that I realize as much as any other party man the general obligation of observing the declarations contained in a party platform; but I wish to say, further, that the principle has its limitations. It is to be presumed that a plank in a platform is placed there by its framers because they suppose that the effect of it will be conducive to the general interest, and just so long as they are satisfied that that plank is conducive to the general interest they are justified in standing by that provision, but not one moment longer.

If it should become evident to the members of a political party after a declaration had been put in a platform that its effect would not be conducive to the public interest, it is their duty to the public not only to refrain from trying to carry it into effect, but if any steps have been taken to carry it into effect, then patriotism and public duty require that they should endeavor to undo what they have already done in that direction.

I have not the slightest idea, if the report of the House Committee on Merchant Marine and Fisheries, following their investigation of shipping combinations, and likewise the testimony taken recently before the Senate Inter-oceanic Canal Committee, had been known before the meeting of the Baltimore convention that the tolls-exemption plank would ever have gone into it.

At this time those who are satisfied from the investigation that has been made since and from the evidence that has been adduced which was not accessible before that that particular plank in the platform is wrong are justified in not insisting upon it, and would not be justified if they did not strive to repeal it to the extent of undoing anything that has already been done in the direction of putting it into effect. Nor have I the slightest idea that President Wilson, if that knowledge had been in his possession at the time he made that New Jersey speech, which has been so harped upon here by the Democratic as well as the Republican opponents of repeal, would have made it.

I know that I changed my position on the subject on account of this new evidence that was not accessible before; the knowledge brought to me that had not been and could not be brought to me before; and I assume that the President of the United States has just as much right as I have to change his opinion, based upon a sincere conviction that he was mistaken in the premises. I say that I honor him, I feel far more respect for him for the position he now occupies since he has discovered that his first position was wrong than if he had continued to maintain that position just because it was a part of the party platform.

To one who persists in a course which he had originally adopted because he thought it was right, and who still thinks it is right, can be applied the expression that "consistency is a jewel"; but to him who persists in a course that he has once adopted because he thought it was right, but now is convinced that it is wrong, can be applied the expression, "Consistency is the main virtue of fools."

I think that those Democrats in this body who are so much disturbed on account of the change of position of the President on this question since he made that New Jersey speech are very unduly disturbed, much more disturbed on account of it than the President himself is.

It has also been stated, with more or less dramatic effect, by Democratic Members of this body who are opposed to repeal that if this bill is passed it will mean the loss of power of the Democratic Party in the approaching elections; and if it shall happen that the party loses in the fall elections, or that its power is considerably decreased, they will most certainly claim that the effect was due to that cause, and in the nature of things it could not be proven that it was not so. I said in my address of the 9th of March that if the Democratic Party should be defeated in the approaching elections it would not be due to the passage of this bill, but to other causes; and, of course, if that contingency should happen, I would not be able, either, to prove the truth of my assertions. Even, however, if the party should be defeated for that reason, in my judgment, it is far better that it should be defeated on account of trying to uphold the right than succeed on account of trying to uphold the wrong, for I believe that in the ultimate outcome any political party will be benefited by an adherence to principle, rather than by a resort to expediency.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT of Maryland, and Mr. BUTLER managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM managers at the conference on the part of the House.

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution:

H. R. 14242. An act to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa.; and

S. J. Res. 148. Joint resolution authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

#### PETITIONS AND MEMORIALS.

Mr. OWEN presented memorials of sundry citizens of Oklahoma, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of sundry citizens of Concord, N. H., and a petition of the congregation of the First Baptist Church of Laconia, N. H., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for an appropriation for the construction of the San Carlos Dam, in Arizona, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a memorial of the Humboldt Chamber of Commerce, of Eureka, Cal., remonstrating against the passage of antitrust legislation at this session, which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Los Angeles, Cal., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of El Centro, Cal., praying for national prohibition, which were referred to the Committee on the Judiciary.



Mr. LODGE. I present resolutions adopted by the General Court of the Commonwealth of Massachusetts, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1914.

Resolutions relative to the purchase of bunting for the manufacture of the United States Flag.

Whereas bids for the supply of bunting for the manufacture of the United States Flag have been received by the Navy Department of the United States from foreign firms or corporations in response to advertisements for bids issued by the said department: Be it

*Resolved*, That the General Court of Massachusetts hereby protests against the granting of any contract to any foreign person or corporation for the supply of bunting for the Flag of the United States as being unwarranted, unpatriotic, and improper.

*Resolved*, That copies of these resolutions be transmitted by the secretary of the Commonwealth to the Secretary of the Navy Department of the United States, and to the Senators and Representatives in Congress from Massachusetts.

In house of representatives, adopted May 25, 1914.

In senate, adopted, in concurrence, May 29, 1914.

A true copy.

Attest:

FRANK J. DONAHUE,  
Secretary of the Commonwealth.

Mr. LODGE presented a petition of Local Union No. 444, United Brotherhood of Carpenters and Joiners of America, of Pittsfield, Mass., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. BRANDEGEE presented a memorial of Local Union No. 15, United Hatters of North America, of South Norwalk, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Cheyenne, Worland, Fox Park, Carpenter, Powell, Greybull, Burns, Inyan Kara, Sundance, and Arcola, all in the State of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LEA of Tennessee presented petitions of sundry citizens of Harriman and Tullahoma, and of the congregation of the Presbyterian Church of Knoxville, all in the State of Tennessee, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Erin, Springfield, Henryville, Nashville, Martin, Fayetteville, and Ridgedale, all in the State of Tennessee, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented resolutions adopted by the General Court of the Commonwealth of Massachusetts, relative to the purchase of bunting for the manufacture of the United States flag, which were referred to the Committee on Finance.

Mr. JOHNSON presented a petition of the congregation of Monument Square Methodist Episcopal Church, of Camden, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRONNA:

A bill (S. 5765) granting an increase of pension to Minerva Freeman (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 5766) granting an increase of pension to Cornelia A. Anderson (with accompanying papers);

A bill (S. 5767) granting an increase of pension to Margaret A. Bitgood (with accompanying papers);

A bill (S. 5768) granting an increase of pension to Almira E. Briggs (with accompanying papers);

A bill (S. 5769) granting an increase of pension to Mary J. Campbell (with accompanying papers);

A bill (S. 5770) granting an increase of pension to Henry S. Gay (with accompanying papers);

A bill (S. 5771) granting an increase of pension to Mary A. Harrington (with accompanying papers);

A bill (S. 5772) granting an increase of pension to Agnes M. Heck (with accompanying papers);

A bill (S. 5773) granting an increase of pension to Louise M. Hunle (with accompanying papers);

A bill (S. 5774) granting an increase of pension to Maria B. Hyde (with accompanying papers);

A bill (S. 5775) granting an increase of pension to Maria Lewis (with accompanying papers);

A bill (S. 5776) granting an increase of pension to Johannah C. Mansfield (with accompanying papers);

A bill (S. 5777) granting an increase of pension to Jessie A. Maxson (with accompanying papers);

A bill (S. 5778) granting an increase of pension to Isabella A. Neff (with accompanying papers);

A bill (S. 5779) granting an increase of pension to Amelia M. Payson (with accompanying papers);

A bill (S. 5780) granting an increase of pension to Francis Robinson (with accompanying papers);

A bill (S. 5781) granting an increase of pension to Elizabeth C. Service (with accompanying papers);

A bill (S. 5782) granting an increase of pension to James Tucker (with accompanying papers);

A bill (S. 5783) granting an increase of pension to Ellen Twomey (with accompanying papers);

A bill (S. 5784) granting an increase of pension to Julia F. Whipple (with accompanying papers);

A bill (S. 5785) granting an increase of pension to Emily J. Williams (with accompanying papers); and

A bill (S. 5786) granting an increase of pension to Ida Ingraham (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 5787) providing for the promotion of certain officers of the Navy or Marine Corps, on retirement, to the next higher grade; to the Committee on Naval Affairs.

By Mr. SHIVELY:

A bill (S. 5788) granting a pension to Alice I. Henderson; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5789) providing for the erection of a public building at Hobart, Okla.;

A bill (S. 5790) to provide for the erection of a public building at Frederick, Okla.; and

A bill (S. 5791) providing for the purchase of a site and the erection of a public building thereon at Hugo, Okla.; to the Committee on Public Buildings and Grounds.

A bill (S. 5792) granting a pension to Samuel A. Blair; to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 5793) granting an increase of pension to Elisha W. Ellis (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5794) granting an increase of pension to Marion D. Egbert; and

A bill (S. 5795) granting an increase of pension to Elizabeth Pangburn (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. PERKINS submitted an amendment proposing to appropriate \$200,000 for the construction and equipment of a storehouse at the arsenal at Benicia, Cal., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on June 4, 1914, approved and signed the following act:

S. 2860. An act providing a temporary method of conducting the nomination and election of United States Senators.

NAVAL APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. THORNTON. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS conferees on the part of the Senate.

RECESS.

Mr. O'GORMAN. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 10 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, June 10, 1914, at 11 o'clock a. m.



## NOMINATIONS.

*Executive nominations received by the Senate June 9, 1914.**(Legislative day of June 5, 1914.)*

## PROMOTIONS IN THE ARMY.

## INFANTRY ARM.

Maj. William F. Martin, Fifth Infantry, to be lieutenant colonel from June 5, 1914, vice Lieut. Col. William M. Wright, Nineteenth Infantry, detailed as adjutant general on that date.

Capt. John McA. Palmer, Fifteenth Infantry, to be major from June 5, 1914, vice Maj. William F. Martin, Fifth Infantry, promoted.

## POSTMASTERS.

## ALABAMA.

Charles E. Niven to be postmaster at Columbiana, Ala., in place of J. H. Mason, resigned.

## TENNESSEE.

G. W. Bell to be postmaster at Bells, Tenn., in place of William R. Williams. Incumbent's commission expired April 21, 1914.

Isaac Milton Steele to be postmaster at Ripley, Tenn., in place of John D. Tarrant, jr. Incumbent's commission expired May 31, 1914.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate June 9, 1914.**(Legislative day of June 5, 1914.)*

## UNITED STATES ATTORNEYS.

Perry B. Miller to be United States attorney for the Western District of Kentucky.

Charles L. Rigdon to be United States attorney, district of Wyoming.

Alfred Jaques to be United States attorney, district of Minnesota.

## PROMOTIONS IN THE ARMY.

## INFANTRY ARM.

Lieut. Col. Walter H. Chatfield to be colonel.

Lieut. Col. Charles H. Barth to be colonel.

## CAVALRY ARM.

First Lieut. Otto W. Rethorst to be captain.

First Lieut. Robert Sterrett to be captain.

Second Lieut. Frederick S. Snyder to be first lieutenant.

Second Lieut. William C. Christy to be first lieutenant.

Second Lieut. Sloan Doak to be first lieutenant.

Second Lieut. Leland Wadsworth, jr., to be first lieutenant.

## COAST ARTILLERY CORPS.

Capt. Laurence C. Brown to be major.

First Lieut. Walter Singles to be captain.

Second Lieut. Edward L. Dyer to be first lieutenant.

First Lieut. Albert H. Barkley to be captain.

Second Lieut. Joseph F. Cottrell to be first lieutenant.

## APPOINTMENTS IN THE ARMY.

## MEDICAL CORPS.

*To be first lieutenants.*

Charles Lewis Gandy.

Alexander Watson Williams.

Louis Hopewell Bauer.

William Washington Vaughan.

John Berwick Anderson.

Elde Frederick Thode.

Walter Paul Davenport.

Harry Neal Kerns.

Robert Henry Wilds.

Austin James Canning.

Lanphear Wesley Webb, jr.

John Henry Hedley Scudder.

Wilson Carlisle von Kessler.

John Murdoch Pratt.

Coleridge Livingstone Beaven.

William Guy Guthrie.

## MEDICAL RESERVE CORPS.

*To be first lieutenants.*

George Schuyler Bangert.

Arthur William Charles Bergfeld.

Joseph Bidleman Bissell.

Swithin Chandler.

Leo Eloesser.

Erle Franklin Fisher.

Leonard Davis Frescoln.

Oscar Amadeus Hansen.

John Everett Hewitt.

Allen Jones Jervey.

Homer Hill Lewis.

William Hay McLain.

Robert Daniel Maddox.

Irwin Beede March.

Harry Stoll Mustard.

John Henry Wallace Rhein.

Michael Joseph Sheahan.

William Atmar Smith.

James Evans Stowers.

Julius Frederick Zenneck.

## APPOINTMENT IN THE NAVY.

William E. Lawhead to be an assistant surgeon in the Medical Reserve Corps.

## POSTMASTERS.

## MICHIGAN.

W. M. Beadle, Marcellus.

F. J. Bertschy, Spring Lake.

Henry C. Glasner, Nashville.

Walter E. Hodges, Pentwater.

## TENNESSEE.

G. W. Bell, Bells.

William B. Hunt, Tellico Plains.

Isaac Milton Steele, Ripley.

## HOUSE OF REPRESENTATIVES.

*TUESDAY, June 9, 1914.*

The House met at 12 o'clock noon.

Rev. Jay T. Stocking, of the First Congregational Church of Washington, D. C., offered the following prayer:

Our Father, we thank Thee among Thy manifold gifts to us for our part in the good world's work. Give unto us vision, faith, courage, and conscience that we may do our work well and play the man. Let Thy blessing rest upon this House, its Speaker, its officers, that they may be in every way adequate for the varied demands of the day. For the glory of our country and our God. Amen.

The Journal of the proceedings of yesterday was read and approved.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2304. An act for the relief of Chris Kuppler; to the Committee on Claims.

S. 4845. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 4449. An act for the relief of Frank Austin and others; to the Committee on Claims.

S. 3800. An act making an appropriation for aids to navigation in Alaska; to the Committee on Interstate and Foreign Commerce.

S. 1281. An act providing for the retirement of certain officers of the Philippine Scouts; to the Committee on Military Affairs.

S. 3761. An act for the relief of Matthew Logan; to the Committee on Military Affairs.

S. 229. An act for the relief of John P. Wagner; to the Committee on Military Affairs.

S. 1803. An act for the relief of Benjamin E. Jones; to the Committee on Claims.

S. 2245. An act for the relief of Frederick B. McGuire, trustee for Bessie J. Kibbey, owner of lot 75, square 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia; to the Committee on Claims.

S. 23. An act for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District; to the Committee on Claims.

S. 1063. An act for the relief of Philip Cook; to the Committee on Military Affairs.

S. 11. An act for the relief of Charlotte J. Pile, Eastmond P. Green, and Easie C. Gandell, owners of lots Nos. 53, 54, and



55, in square No. 753, Washington, D. C., with regard to assessment and payment of damages on account of change of grade due to construction of the Union Station, in said District; to the Committee on Claims.

S. 4969. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 31. An act for the relief of Ida A. Chew, owner of lot 112, square 721, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia; to the Committee on Claims.

S. 4311. An act for the relief of Edward Stewart; to the Committee on Military Affairs.

S. 201. An act for the relief of John W. Cupp; to the Committee on Claims.

S. 691. An act for the relief of Simon M. Preston; to the Committee on Claims.

S. 1216. An act for the relief of Oakley Randall; to the Committee on War Claims.

S. 387. An act relating to bills of lading; to the Committee on Interstate and Foreign Commerce.

S. 2538. An act to repeal sections 1538 and 1539 of the Revised Statutes; to the Committee on Naval Affairs.

S. 5235. An act conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States; to the Committee on Indian Affairs.

S. 4522. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 20, 1906; to the Committee on Interstate and Foreign Commerce.

S. 5433. An act to amend an act entitled "An act to establish the Glacier National Park in the Rocky Mountains south of the international boundary line, in the State of Montana, and for other purposes," approved May 11, 1910; to the Committee on the Public Lands.

S. J. Res. 155. Joint resolution to remit under certain conditions and for the year 1914 the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act in cases where said returns are completed by June 1, 1914; to the Committee on Ways and Means.

#### PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of the Civil War, disagree to the Senate amendments thereto, and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill H. R. 12045, an omnibus pension bill, disagree to the Senate amendments thereto, and ask for a conference. Is there objection?

There was no objection.

The Chair announced the following conferees: Mr. RUSSELL, Mr. ADAMS, and Mr. LANGHAM.

#### NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 14034, the naval appropriation bill, disagree to all of the Senate amendments thereto, and ask for a conference.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the bill H. R. 14034, the naval appropriation bill, disagree to the Senate amendments thereto, and ask for a conference. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I desire to ask the chairman of the committee about some of the Senate amendments. As I observe, quite a number of amendments have been placed in the bill by the Senate in which the appropriations are made available until expended. It seems to me that that is a departure from the line of holding in appropriations, having them extend from year to year. It is not a good policy to pursue.

Mr. PADGETT. Mr. Speaker, I will state to the gentleman that in the House we fixed a time limit, and I am in sympathy with the views expressed by the House.

Mr. FOSTER. I would not want the conferees to agree to those provisions, so far as I am concerned, without giving the House an opportunity to vote upon them and to express its opin-

ion as to whether it desires to agree to a lot of appropriations that shall be available until expended.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. GARNER. The chairman of the committee originally carried the same identical provision in his bill, and of course there will be great pressure brought to bear on the conferees to insist upon their agreeing to what they originally wanted in the bill. I think it is nothing but proper for us, if necessary and the committee thinks they need that backing up, to instruct the conferees to insist upon the views of the House.

Mr. PADGETT. I do not think on that question it is necessary.

Mr. GARNER. I am very glad to hear the chairman state that. The chairman will remember that this matter was discussed at the time.

Mr. PADGETT. And the gentleman will remember the position the chairman took on the floor of the House.

Mr. GARNER. I recall it very well. I called it to the attention of the gentleman from Tennessee in the second item that carried this particular language, and he agreed then to limit it to two years, thinking that would be sufficient to carry out the needs of the Navy Department. I hope he will insist that the House provisions remain in the bill.

Mr. FOSTER. Mr. Chairman, there is one other matter that I desire to ask the chairman about, and that is amendment No. 71, in reference to the sale of two battleships now belonging to the Navy, namely, the *Idaho* and the *Mississippi*. This is such a radical departure that I could not consent, without sufficient debate, to agree to that until we would have an opportunity to consider the question in the House.

Mr. PADGETT. Mr. Speaker, I will state to the gentleman what I stated to the leader of the minority, the gentleman from Illinois [Mr. MANN], on yesterday, in conversation, that that is a matter upon which the House has not expressed itself, and I will state for myself, and as far as I am able for the conferees, that that matter will be brought to the House and the House will have an opportunity to vote upon it.

Mr. FOSTER. So that the conferees would not agree to that amendment without a thorough discussion of the matter in the House?

Mr. PADGETT. No.

Mr. FITZGERALD. Mr. Speaker, amendment No. 72 makes all of the appropriations in this bill immediately available.

Mr. PADGETT. There will be no necessity for that, because it will be July when the bill is passed.

Mr. FITZGERALD. It may not be July, but I believe that the House should have an opportunity to pass upon that amendment before it is agreed to. It absolutely destroys our whole fiscal system. It will destroy the fiscal year.

Mr. PADGETT. The gentleman need not worry himself over that amendment.

Mr. FITZGERALD. Upon the assurance that the House, if the Senate is insistent upon the amendment, will have an opportunity to express its views before any agreement is reached, I shall not oppose it at this time.

Mr. PADGETT. I do not think the gentleman need give himself any anxiety with respect to that.

Mr. BRYAN. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRYAN. I do not know the number of the amendment, but I understand the Senate has reinserted the provision authorizing the Secretary of the Navy to contract with the Union Iron Works for patronage to a private dock, which they are to construct in San Francisco Bay, at \$50,000 a year, and I would like to know what the view of the chairman is in respect to that amendment?

Mr. PADGETT. That is the same provision which the committee reported, and, speaking frankly to the gentleman, I should be inclined to concur in the amendment.

Mr. FITZGERALD. Mr. Speaker, the Senate passed a bill in which it provided that not more than \$50,000 a year should be paid for the use of that dock. My recollection is the amendment in the bill is that at least \$50,000 shall be paid. That is a somewhat radical change of position on the part of the Senate.

Mr. PADGETT. This is the provision that was in the House bill.

Mr. MANN. The Senate amendment provides for an expense of \$50,000 a year.

Mr. FITZGERALD. The Senate passed a bill some time ago providing that not more than \$50,000 a year should be paid. I believe the House should have an opportunity to vote on that question as to whether we will subsidize a private company to build a dock or whether the Government should build the dry dock itself.



Mr. BRYAN. This matter is of more importance than ordinarily would be thought, because if these battleships are docked at Hunters Point the Union Iron Works will have the repairs, which will amount to a tremendous expenditure. The Government has a thoroughly equipped dock at Puget Sound and will have another one down at the Panama Canal, and why a third dock should be established at Hunters Point at Government expense and owned by a private concern I can not see.

Mr. PADGETT. It is not to be at the Government expense; the contract is only to run for not exceeding six years. I have no objection to submitting it to the House and letting the House pass on the matter.

Mr. FITZGERALD. It will never be ready for the ships that pass through the Panama Canal at the opening.

Mr. PADGETT. No; the contract provides that it is to be established in two years.

Mr. BRYAN. The understanding is that they have got to have this dry dock for commercial ships, and that the dock will be constructed whether Uncle Sam makes a contribution or not. The objection I have is that it involves the dockage and repairing of ships in a private concern.

Mr. PADGETT. This is no contribution; it is simply for the use of the dock. It is 900 miles north to Bremerton and 1,500 or 2,000 miles, I think, to Balboa dock. The Government can use the dock at a cost of not exceeding \$50,000 a year, and I think will make a great saving.

Mr. BRYAN. Of course, this is right near the Mare Island Yard.

Mr. PADGETT. But the Mare Island Yard at present is not equipped for the larger ships, and they only pay here a charge that is fixed not to exceed the commercial rates.

Mr. FITZGERALD. There is a provision that they may pay more than \$50,000 a year.

Mr. PADGETT. If they do exceed the commercial rates.

Mr. FITZGERALD. The Senate passed a bill that it should not exceed \$50,000 a year, and I think a provision should be put in here to that effect.

Mr. PADGETT. If we should limit it in that way and an emergency should arise, they could not expend more than \$50,000 per year and they could not take care of the emergency.

Mr. FITZGERALD. A provision can be framed for all the dockage necessary at an expenditure of not to exceed \$50,000 a year.

Mr. PADGETT. But if the dockage at commercial rates should amount to more than \$50,000 a year—

Mr. FITZGERALD. It might be advantageous to make special rates for the Government.

Mr. BARTON. Mr. Chairman, there was a provision in the House bill for the appointment of a commission to investigate the feasibility of erecting an armor plant. I know how the chairman expressed himself as being favorable to the proposition while in the House, and I would like to know if we can be permitted to have a vote on it.

Mr. PADGETT. I do not know of any opposition to it. The committee reported a proposition of this kind, and I know of no opposition.

Mr. UNDERWOOD. Mr. Chairman, I do not desire to delay the expeditious passage of this bill. I think we all desire to get away from here as soon as we can, but it is necessary to pass this bill before we go. As to the dock in San Francisco, I think if it was only the dockage charges of \$50,000 a year, it would be a reasonable charge for the use of a great dock, because it probably costs from one to three million dollars to build a dry dock.

Mr. PADGETT. I think this one will cost not less than \$2,000,000.

Mr. UNDERWOOD. But I desire to call the gentleman's attention to this fact. You dock a ship because it requires repairing, and if you dock it at a private yard the repairing will necessarily have to be done by the forces of the private corporation and take it away from the Government yards.

Mr. PADGETT. That is not contemplated. It is contemplated by the department to use the men at the Mare Island yard to do the work in the dock.

Mr. UNDERWOOD. How can that be done if the docking is to be done at a place not adjacent to the yard? How far is it from this dock to the Mare Island yard?

Mr. PADGETT. Twenty-eight miles. The men would go back and forth on the transports or tugs.

Mr. UNDERWOOD. And you would have to remove the entire force and the machinery for the work?

Mr. PADGETT. Not the machinery. In the cleaning of the ship they would transport the men back and forth from the dock to the yard.

Mr. UNDERWOOD. But you do not dock ships for the purpose only of cleaning off the barnacles, but you dock them for repairs as well. Will not that be considerably more expensive than if you provided for docking the ships in a Government yard?

Mr. PADGETT. If the department found that the repairs were of such a character that they could be done at the yards for less than it could at the dry dock, they would do it that way.

Mr. UNDERWOOD. In the end would it not result that this provision, if it should be adopted, would carry the repairs of these ships into these private yards?

Mr. PADGETT. It might carry some into them.

Mr. UNDERWOOD. It seems to me that there ought to be a provision in the bill to provide against that.

Mr. PADGETT. This provision does not carry any obligation on the part of the Government to employ the men in these private yards.

Mr. UNDERWOOD. I know; but the natural result will be that, if the ship is docked in private yards, to have the repairing done by the private yard, and ultimately it will lead to extreme charges, which I think the conferees ought to guard against.

Mr. FITZGERALD. In the past the private yards have been trying to do the repair work for Government vessels.

Mr. FOSTER. The gentleman would have no objection to the House discussing the provision before the conferees agree to it?

Mr. PADGETT. No; if it wants to.

Mr. FOSTER. I think it ought to.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. UNDERWOOD. One minute to interrogate the gentleman, if he will yield to me for that purpose.

Mr. PADGETT. Yes, sir.

Mr. UNDERWOOD. When the bill was before the House there was a question raised here as to the building of a dry dock at Pearl Harbor, and I desire to inquire whether that provision has been put back into the bill by the Senate?

Mr. PADGETT. It has.

Mr. UNDERWOOD. Has the gentleman any information further than what he had when the bill was before the House?

Mr. PADGETT. No, sir. We went into it very fully then, and the hearings give very full information in regard to it, but I do not think the Senate has conducted any further hearings.

Mr. UNDERWOOD. I do not desire to stop the gentleman's bill, but I hope before that proposition is agreed to I may have a chance to confer with him about it.

Mr. PADGETT. I would be very glad to do so.

Mr. BRYAN. Mr. Speaker, along the line suggested by the gentleman from Alabama, I desire to state that the dry dock can not in any event be considered an entity by itself. You can not drive a rivet without compressed air, you can not lift a propeller without an electric station on the ground, and hence a dry dock is part of a navy yard, and you have got to take all the rest in connection. Now, as to the \$50,000, that is not required at all for the use of the dock, but we are only agreeing to patronize it to the extent of \$50,000. We may patronize it to the extent of \$1,000,000 a year, but we bind ourselves to patronize it to the extent of \$50,000, and if the docking of two ships takes all the \$50,000 then, of course, we will continue under the language of the bill without restriction.

Mr. PADGETT. There is no obligation to go beyond the \$50,000, but there is an obligation to take that much.

Mr. WITHERSPOON. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. WITHERSPOON. I understood the gentleman to state to the House that we had hearings before the Committee on Naval Affairs on this matter?

Mr. PADGETT. No; I said the hearings contain information about it, but there were no specific hearings other than what the Secretary stated about it, but there is a good deal of information in the hearings about it.

Mr. WITHERSPOON. The truth about the business is nobody has been before the Committee on Naval Affairs to tell us anything about the facts of this except the statement that the gentleman made of information given in the conference between the gentleman and Mr.—

Mr. PADGETT. I stated on the floor of the House and I want to say here there is a good deal of information, and it was commented upon when the bill was before the House.

Mr. GARNER. The gentleman from Alabama suggests before the gentleman agrees to the Senate amendment he will give the House a chance to discuss the amendment.

Mr. PADGETT. As to what?

Mr. GARNER. As to the Pearl Harbor proposition.



Mr. PADGETT. I did not understand the gentleman from Alabama to say that. He said he wanted to speak to me personally about it.

Mr. GARNER. We want that agreement. I do not think it ought to be a conference only between as distinguished a gentleman as the leader of the majority and the chairman of the committee on a proposition that attracted so much attention at the time without the House having a chance to discuss the matter.

Mr. PADGETT. I have no objection, but I did not understand the gentleman to ask other than—

Mr. UNDERWOOD. I do not go that far, but I want to give some further investigation to the matter, because I was not thoroughly satisfied and the gentleman stated he had no further information, and I desire to make some investigation myself.

Mr. PADGETT. All right, sir.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

The Chair announced the following conferees: Mr. PADGETT, Mr. TALEBOT of Maryland, and Mr. BUTLER.

#### EXTENSION OF REMARKS ON LATE REPRESENTATIVE PEPPER.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a tribute on the late Congressman PEPPER. I will say I was not here on the day set apart, nor was I here within five days thereafter.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks by printing a speech on the life, character, and public services of the late Representative PEPPER. Is there objection? [After a pause.] The Chair hears none.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Mr. GILLET. Mr. Chairman, I yield 30 minutes to the gentleman from Kansas [Mr. ANTHONY]. [Applause.]

Mr. ANTHONY. Mr. Chairman, remarkable as it may seem, there is over \$5,000,000 in the present bill under consideration, which carries more than \$100,000,000 for various branches of the Government, which is expended without responsibility to any one of the executive departments of the Government. Because of this defect in the laws creating national soldiers' homes evils have arisen. Now, the few remarks I am going to make will be related to the expenditure of these \$5,000,000; and before proceeding I want to ask unanimous consent to extend my remarks in the Record by the insertion of a very remarkable letter from a member of one of these branches of the Soldiers' Home setting forth conditions which prevail, and I also ask unanimous consent for the publication of several extracts bearing on conditions there.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the Record by inserting the matter indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. Mr. Chairman, the complaints that have come to Congress in the last year from the several branches of the Soldiers' Home have grown to such an enormous number that I believe the time has come when Congress ought to take some action in relief of the situation that is there presented. I have received myself probably 1,000 letters from members of these homes concerning the conditions. The Committee on Military Affairs has in its archives hundreds, if not thousands, of letters bearing upon the same subject. The question is, What is the cause of the trouble? I can answer it in a very few words. It mainly arises from the fact that the men are not properly fed; and the situation can be explained in a very few words when I state to the committee that of the \$5,000,000—or, rather, of the \$4,000,000—which directly goes in this bill to the support of the 10 branches of the Soldiers'

Home, 32 per cent of that enormous amount of money goes for the salaries of employees connected with those institutions, and only about 15 per cent for the subsistence or food of the 17,000 to 19,000 soldiers who are members of these homes.

The fact is, gentlemen, that the subsistence of these men is so stunted that they are not being fed in a manner consistent with their age and with the needs of a body of men like that. The figures show—and they will be found in the matter which I will introduce in the Record—that the average cost of a ration in the homes during the past year was about 22 cents per day per member; that is, in the volunteer homes, provision for which is made in the sundry civil bill. And I want you to compare that cost with the subsistence cost of a member of the home right here in Washington, the Regular Army Home, administered under the supervision of the War Department, where that department allows 35 cents a day for the subsistence of a veteran of the Regular Army who is cared for in that home. And, again, the parsimonious management of these Volunteer homes allows about 24 cents per day for the subsistence of a sick soldier in one of the Volunteer home hospitals, whereas in Washington, at the Regular Army Soldiers' Home, the cost runs about 44 cents a day. At the Fort Bayard (N. Mex.) Sanitarium for the soldiers of the Regular Army afflicted with tuberculosis they allow about 48 cents a day for subsistence. At the Battle Mountain Sanitarium the veteran Volunteer soldier who fought in the Civil War and the Spanish War—and all of them are suffering from tuberculosis—is maintained at the cost of about 24 cents a day. Now, that is the difference between good food and bad food—between, practically, starvation and feeding the men in a manner in which a veteran soldier should be subsisted—and those figures practically tell the whole story. There is undoubtedly plenty of rough food furnished in the Volunteer Homes, but the general opinion of those who know is that it is miserably cooked, and that there is not a sufficient variety suited for aged and invalid men. From a discussion of this matter with hundreds of the soldiers who are interested and with a number of the officers of the Army who have given the matter careful consideration, I arrived at the conclusion that the proper remedy was the transfer of the control of these 10 soldiers' homes from the present board of managers to the supervision of the War Department.

Right here in Washington, at the Regular Army Soldiers' Home, we have the spectacle of nearly a thousand soldiers living in absolute contentment. They are happy and well satisfied. In the 10 Volunteer Soldiers' Homes throughout the country we have nearly 19,000 men, half of whom are complaining of what the Government is giving them, and if you go among them you can see that they are unhappy; that they are discontented with their lot, and we are not doing what we can to make comfortable their last days on earth. In my visits to these Volunteer Homes they have impressed me as being conducted more in the nature of charitable or penal institutions than as homes of veteran soldiers of the greatest and most patriotic nation in the world. There is an air of oppression which pervades every one of them, and it only requires a visit or talk with the members to see that things are not as they should be.

I have offered the House in the nature of a bill, which I introduced some time ago, what I think is the remedy, and that is to transfer all these homes to the War Department. The Military Committee of the House took the bill under consideration. A subcommittee investigated it, probably not as thoroughly as it might have done had it had the time, but it went far enough to convince the committee that some necessity for action existed. And the Military Committee reported out a resolution introduced by the gentleman from Illinois [Mr. O'Haire], which authorizes a subcommittee of the Committee on Military Affairs to make a proper investigation of these homes and to report to Congress on the conditions which exist and as to a proper remedy for the cure of any evil conditions. I am in hopes that this House may reach consideration of that resolution. It should be passed. We should give some relief to the hundreds and thousands of men who are asking for it, that we may do our part toward making their last days on earth comfortable at least.

The other branch of Congress has gone into this matter. Last year the Senate appointed a committee to investigate the California home. They have made a voluminous report of about 500 pages, every page of which bears out the statements I have made on the floor to-day. That committee recommended the discharge of a number of the officials of that home, including the governor. They found out that the charges made against the board were true and borne out by the facts. The facts in the Senate document alone are enough to warrant this House







Mr. BURKE of South Dakota. I would like to have the gentleman indicate how such members can be controlled under existing laws if they refuse to adapt themselves to the regulations? There is no way by which you can keep them in if they want to go out.

Mr. ANTHONY. They can be segregated into a barrack by themselves. There are perhaps 50 men of this kind in each of the homes. They could be segregated in a barrack by themselves. In many cases they are not mentally responsible. In many cases after the pension-money jag wears off these so-called delinquents would be amenable to kind, considerate treatment, if offered by the officials, and respond to it.

Mr. BURKE of South Dakota. Would they not resent that segregation?

Mr. ANTHONY. Oh, yes; they would; but I think that—

Mr. MADDEN. And would they not, in a sense, be placed on a roll of dishonor?

Mr. ANTHONY. Oh, no.

Mr. MADDEN. Are not these men in receipt of pensions?

Mr. ANTHONY. Yes; most of them. They get their pensions every three months. A man of that class, when he gets his pension, spends it in a day, perhaps. Then he would starve.

Mr. MADDEN. Let us assume for a moment that the gentleman spends all his income in a day. What would happen to him?

Mr. ANTHONY. Oh, well, perhaps I would have the physical ability to go out and hustle for a loaf of bread.

Mr. MADDEN. But if the gentleman's habits were such that he could not control them, he would not have the physical ability to go out and hustle.

Mr. ANTHONY. Then I would want to be treated just exactly as I would have the Government treat these unfortunate soldiers.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Wisconsin?

Mr. ANTHONY. Yes.

Mr. COOPER. Is it not a fact that many of these men are over 70 years of age and many of them are 75?

Mr. ANTHONY. That is true.

Mr. BURKE of South Dakota. Many of them are veterans of the Spanish-American War, their disability having occurred subsequent to their military service, and therefore they are not pensionable.

Mr. ANTHONY. A statement that I will put in the RECORD comes from a veteran of the Spanish War, now afflicted with tuberculosis. He was at the Battle Mountain Home, and he voluntarily left that home in order to save his life, as he put it.

Mr. BURKE of South Dakota. I think the man in question was expelled, was he not?

Mr. ANTHONY. I think the gentleman is mistaken. I have taken the pains to get this man's record, and I find—

Mr. BURKE of South Dakota. Will the gentleman give the name?

Mr. ANTHONY. Yes. The name is Wilford Davis.

Mr. BURKE of South Dakota. I am not familiar with that name.

Mr. ANTHONY. I will say to the gentleman that a favorite method of the board of managers of defending themselves against attack, whenever a veteran makes complaint about one of these homes, is to reply with an attack upon the character of the soldier, in order to discredit what he says; but I have been very careful in the statement I will place in the RECORD to see that every soldier whom I have quoted in this statement has been honorably discharged from these homes and has a good record.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. ANTHONY. Certainly.

Mr. MADDEN. What percentage of the total home membership would be included in the list of unfortunates that the gentleman has been describing?

Mr. ANTHONY. In my judgment, I should say probably 10 or 15 per cent of the total membership are unable to take care of themselves properly.

Mr. MADDEN. Does the gentleman think it is fair to arraign the management of the home because that 10 or 15 per cent are not allowed to run the home?

Mr. ANTHONY. I think I am entirely fair. I do not care how low in the scale of humanity one of these veteran soldiers may have sunk. I say if that man has become weak or unable to take care of himself, and has perhaps taken on vicious habits, it is all the more incumbent upon this Government to extend to him a helping hand, instead of kicking him out upon the street. [Applause.]

Mr. MADDEN. I entirely agree to that. I think the gentleman will agree, however, that there ought to be some restrain-

ing influence somewhere, by means of which the homes can be managed, and they can not be managed by people who are going to kick over the traces on every occasion.

Mr. ANTHONY. That is the purpose for which we have the officials there, to manage the homes, and I know of no body of men anywhere who are more amenable to discipline and reason than the veteran soldiers in these homes.

Mr. FOSTER. Will the gentleman yield?

Mr. ANTHONY. Certainly.

Mr. FOSTER. Along the line suggested by the gentleman from Kansas, I want to state that I have had complaints about the Battle Mountain Sanitarium. I have in mind an old soldier who was thrown out of the Battle Mountain Sanitarium, and who has now gone back to the State of Illinois and located in the State home at Quincy; a man who ought to have the kind of treatment that the Government affords to the inmates of the Battle Mountain Sanitarium, but can not get it, because the governor of the home concludes he is not a fit person to be in that home.

Mr. BURKE of South Dakota. Will the gentleman give us the name of the man?

Mr. FOSTER. I have the soldier's letter and can give his name to the gentleman.

Mr. BURKE of South Dakota. If the gentleman from Kansas [Mr. ANTHONY] will permit me, I will state that there have been some complaints from the Battle Mountain Sanitarium. Three members were recently expelled from that institution, and they have made complaints to many Members of the House, and it was brought to the attention of the House by the gentleman from Illinois [Mr. BUCHANAN] recently. I have received a statement from one or more officials of the home, and also from the president of the board, and under the five-minute rule I expect to bring it to the attention of the committee. I have not assumed to refute the charges and asked the gentleman from Kansas [Mr. ANTHONY] with reference to a resolution that he stated had been reported from the Committee on Military Affairs for the appointment of a subcommittee from that committee to investigate all of these homes. My desire is, and I think it is the desire of the management of the Battle Mountain Sanitarium, that there may be such a committee, in order that there may be an investigation.

With reference to these members who were expelled, I will say to the gentleman from Illinois [Mr. FOSTER] that they were expelled upon the report of a committee appointed by the commander of the National Spanish War Veterans' Association, who went to the home and made an investigation and recommended that these three particular members be expelled, and they were expelled. I understand that one of them has gone to his home in Illinois, and he may be the one to whom the gentleman from Illinois [Mr. FOSTER] refers. One of the others has also left Hot Springs and returned, I presume, to his home somewhere outside of South Dakota.

Mr. FOSTER. If the gentleman from Kansas [Mr. ANTHONY] will permit, I will say it is claimed that they expelled these men upon some report made by some official, without giving these men an opportunity to say a word as to whether these charges were true or untrue. They threw out these men and compelled them to go back to the States from which they came without giving them an opportunity to defend themselves and without giving them an opportunity to live where they might live in some sort of comfort and prolong their lives after serving their country, because, forsooth, they do not do as these officials think they ought to do. I think the greatest trouble with these men is that they are not lenient enough and not patient enough with those unfortunate people.

Mr. BURKE of South Dakota. I do not wish the gentleman from Illinois to understand me as saying that there may not be cause for these complaints; but as to the three members whom I have in mind, they were dismissed from the home by order of the board of managers upon the report and recommendation of a committee appointed by the Spanish War Veterans' Association, and therefore the board of managers are responsible, and not the governor, for their dismissal or expulsion.

Mr. ANTHONY. Let me give the gentleman from South Dakota a little information in reference to these three men to whom he refers. This purported investigation by the committee was, as I am informed, under the personal auspices of the board of managers. In other words, it was one of these personally escorted affairs.

Mr. FOSTER. I think the gentleman from Kansas is entirely correct about that.

Mr. ANTHONY. I know I am right, because I have a letter from one of that committee before the investigation severely denouncing the board, and one afterwards practically apologizing for the delinquencies he found, and a later letter from another



one of the committee stating that certain Spanish War veterans who had been active in criticizing the board of managers had been offered positions in the home; and I have been personally solicited to vote for one of the members of that so-called commission to membership in the board of managers. That is the wheel within a wheel which there is there.

Now, in reference to the three poor devils who were "given the gate" at the Battle Mountain Home, the board does say that they were undesirable members of the home, and I have no doubt that in a way they were men who should be restrained; but I wrote to a man upon whom I can rely to find out just what sort of men these three were that were thrown out of the Battle Mountain Home. Their names were Wallack, Lacey, and Yount. Something about the harmless type of men these poor fellows are—all three invalids, in advanced stages of tuberculosis—appears in the letters which I will print in connection with my remarks.

This bill is the remedy:

A bill (H. R. 3409) to place the National Homes for Disabled Volunteer Soldiers under the administration of the War Department.

*Be it enacted, etc.*, That upon January 1, 1915, after the passage of this act, the powers heretofore vested in the Board of Managers of the National Home for Disabled Volunteer Soldiers shall be vested in the Secretary of War, and the administration of the laws providing for the operation and regulation of said home shall be under the jurisdiction of the War Department. The Adjutant General, Inspector General, Quartermaster General, Commissary General, and Surgeon General, each, under the direction of the Secretary of War, shall perform such portion of the work of administration as shall appropriately fall to the respective bureaus of the War Department.

SEC. 2. That upon January 1, 1915, after the passage of this act, the terms of office of the various members of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall cease, and all title to property and authority heretofore vested in said board shall pass to the Government of the United States.

SEC. 3. That such provisions of existing laws as are in conflict with the provisions of this act are hereby repealed.

Pass this O'Hair resolution and get the facts:

House resolution 439.

*Resolved*, That the Committee on Military Affairs of the House of Representatives or a subcommittee thereof, be, and it is hereby, instructed to make full investigation of the conditions and affairs of the national homes for disabled volunteer soldiers and sailors, and particularly to determine the nature of the treatment given at the various branch homes to the members thereof, and with a view of determining whether or not it is for the advantage and best interests of said homes and the management and conduct thereof, that they should be by an act of Congress placed under the management and control of the Department of War, and to report the facts and their findings to the House; and that said committee shall be authorized to sit during the sessions of the House and during any recess of the House or Congress, and hold its sessions at such place or places as it shall deem most convenient for the purposes of such investigation; to employ stenographers and such competent accountants as it may deem necessary; to send for persons and papers and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the House upon vouchers to be approved by the chairman of the committee.

THE CONVINCING STATEMENT OF WILFORD W. DAVIS IN REFERENCE TO ADMINISTRATION AT BATTLE MOUNTAIN SANITARIUM AND OTHER HOMES.

BATTLE MOUNTAIN SANITARIUM,  
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,  
Hot Springs, S. Dak., December 30, 1913.

The Hon. DANIEL R. ANTHONY,  
House of Representatives, Washington, D. C.

DEAR SIR: I should be pleased if you would kindly allow me to bring to your attention an old subject, but probably in a new light. My attention has often been called to your attitude on the soldiers' home question, which, in my judgment, is very plausible.

But the incident which finally induced me to address you on this mooted question was a speech by the Hon. WILLIAM W. RUCKER, of Missouri, on the floor of Congress under date of December 12, 1913, and appearing in the CONGRESSIONAL RECORD of same date, page 745.

Mr. RUCKER said in part: "I shall vote against any appropriation bill which proposes to tax the American people to pay pensions to millionaires or to people already protected and cared for by the Government in soldiers' homes."

The above is a fair idea of the understanding of the average citizen as to the sumptuous luxury of the wards of the Government in the soldiers' homes, which means that the old soldier is classed with millionaires in his luxurious protection. But in view of the fact that you have probably gone into the soldiers' home question pretty thoroughly, and in view of the further fact that there are in your district in Kansas both a soldiers' home and a Federal penitentiary, I am confident that you have the situation sized up far more accurately than has Mr. RUCKER. I may say in this connection that I have had an opportunity to go over a considerable volume of data on this subject, from which I have culled information that lay concealed under a maze of apparently harmless figures, and from these figures I have been able to deduce certain facts that did not appear at first sight from a perusal of annual reports, etc., of these homes; and I have also been an inmate of one of the homes. In view of this I believe I will be able to submit below some information which may enable you to more enthusiastically support your contentions in this connection than ever before. I have done this work with my own hands at such times as I felt able, much of it I have done while sitting propped up in bed, so please overlook any possible equivocal language which may appear here and there. But why multiply words? Let the facts be submitted to a candid world.

In the first place, I wish to call attention to a colloquy that took place between Maj. J. W. Wadsworth, president of the Board of Managers National Home for Disabled Volunteer Soldiers, and Senator GEORGE E. CHAMBERLAIN, in the course of the investigation of the Santa Monica Branch of the National Home. The following is taken from

page 1197, Report 1167, Senate Calendar No. 1034, third session, Sixty-second Congress:

"Maj. WADSWORTH. Well, if it is not a happy existence (meaning that of the inmates of the soldiers' homes), God Almighty alone can make it so. The Government of the United States can not do any more for these men than it is doing. No Government in the world is doing anything like it."

"Senator CHAMBERLAIN. \* \* \* Right in that connection, I think that we are willing to concede all that you say, but the trouble is not in what the Government is doing for them, but in the manner of administration. \* \* \* A change must be made in the way in which the Government is having its bounty administered. Now, that is up to the board. That is where the trouble is."

The foregoing remark was made by Senator CHAMBERLAIN to Maj. Wadsworth after Senator CHAMBERLAIN has just finished an extensive investigation of conditions at the Santa Monica Home, and I leave it to Mr. ANTHONY's good judgement as to whether Mr. CHAMBERLAIN's remark was very accurately and timely put. Now, in order to the more forcibly corroborate Senator CHAMBERLAIN's remark, I wish to call attention to the following remarks with reference to the Pacific Branch (Santa Monica) of the Soldiers' Homes by Maj. J. W. Wadsworth, president board of managers, in his annual report to Congress for the fiscal year ending June 30, 1912 (p. 7):

"\* \* \* The Pacific Branch has been under the close supervision of the manager residing in California and, on account of its remote location, has received especial attention by frequent visits of the inspecting officers. The president of the board has also visited and inspected this branch during the year, as well as all other branches. All of the branches have been regularly inspected by the inspecting officers of the home, and all irregularities and faulty conditions discovered have been corrected as promptly as possible."

In the same report, page 16, appears a draft of the annual report for fiscal year ending June 30, 1911, in which the president of the board of managers makes the following significant remarks, with reference to the magazine articles that were then being printed broadcast, touching upon conditions at the Santa Monica Branch:

"The affairs of the home have been administered in accordance with the law and the established regulations. The several branches of the home have been thoroughly inspected at various times during the year by the board of managers and the inspecting officers of the home. All irregularities and faulty conditions found have been corrected as promptly as possible. Notwithstanding the publication in one or more magazines of the muck-raking variety of untruthful and apparently malicious articles, relating to the home and its management, which were designed to encourage unrest among the members of the home and to arouse feelings of apprehension and anxiety in the minds of their friends and relatives, there has been no time in the history of the home when a higher degree of general contentment among the members of the home has prevailed."

Please note that the above encomiums as to the management of the homes, were included in the president of the board's annual report for fiscal year ending June 30, 1912, and which, according to the regulations, must have been compiled sometime during the month of August, 1912. Please carefully note the date. You will note that, from the board of managers' angle of vision, that things with the homes in general, Santa Monica and all, "were lovely and the water was fine." Now, please note that on August 19, 1912 (while the board of managers was compiling its annual report) that a resolution (No. 160) was introduced, and passed, in the Senate, directing an investigation of the condition and affairs of the branch National Home for Disabled Volunteer Soldiers at Santa Monica, Cal. The full text of the resolution will be found on page 5 of the investigating committee's report (S. Rept. No. 1167). The investigating committee began its work of taking testimony at Los Angeles, Cal., on November 19, 1912, just three months after the board of managers had made up its annual report. Now, the report of the investigating committee of the Senate comprises 1,243 pages—1,243 pages of the most illuminating information, setting forth just how things were, and had been, running at that home for years past. The report is too voluminous to be read in its entirety by a busy man, but permit me to call your attention to just a few of the things which were found to exist at Santa Monica just three short months after the president of the board of managers had said that he himself had inspected the Santa Monica Branch, and that "all irregularities and faulty conditions found had been corrected as promptly as possible."

The following extract is taken from the testimony of Maj. Wadsworth, president of the board, and found on pages 1135 to 1179 of the aforementioned report:

"Maj. WADSWORTH. The Pacific Branch is using 91 per cent of the Army ration. \* \* \* The first quarter of the year in 1905 they were using 91 per cent. In 1906 they (meaning the Pacific Branch) were using 89 per cent of the Regular Army ration. In 1907 they were only using 82 per cent in the Pacific Branch."

"Senator CARSON. How do you account for that variation in the quantity that would be served each year?"

"Maj. WADSWORTH. It is caused by the commissary not attending properly to his duty. I should say, and seeing that it is all accurately weighed."

"Maj. HARRIS. It is the fault of the branch officers. That applies not only to coffee but to all other food supplies (p. 1135)."

"Senator CHAMBERLAIN. There is not one man in a hundred in that home, nor I venture to say in any of the homes, that knows anything about the rules and regulations."

"Senator JONES. There did not seem to be any copy of these rules and regulations available. We could not find any copies in the different barracks where the members could get at them."

"Maj. HARRIS. There is a sufficient number issued to every branch, and they should have sufficient copies for everybody \* \* \* and if they have not been distributed it is through neglect of the branch officers."



"Senator CHAMBERLAIN. I do not know what we found in that home was a fair criterion, but I think it is true in every home that there is a lack of entente cordiale between the officers and the men. There is not that feeling between them that ought to exist."

"Maj. HARRIS. A feeling that you can not buy with money."

"Senator CHAMBERLAIN. Yes; and when you find a man who has not got it in him naturally, he ought to be demoted (p. 1157)."

"Maj. WADSWORTH. I can not understand it. The same rules and regulations govern that home as govern the other branches of the home."

"Senator CHAMBERLAIN. I think we can understand it. It is simply not born in those particular officers at that particular home to come in touch with the men and to gain their good will."

"Senator JONES. They are not the right men for those positions."

"Maj. WADSWORTH. Well, I can not understand it (p. 1158)."

"Maj. WADSWORTH. I came on the board about six years ago, and we found a very bad condition of affairs there [meaning Santa Monica], an incompetent and dishonest governor and an incompetent and dishonest quartermaster. I came back home and demanded their resignations, and I put in Cochran. The first two years Cochran did very well, indeed, but for the last two and a half years or three years he has simply fallen down."

"Senator CATRON. I think the administration there has been defective for a year. We had testimony that they were not careful about matters, and that dirt, etc., would get into the food when they were cooking."

"Maj. WADSWORTH. You know there are lapses in those matters everywhere."

"Senator CATRON. We can not be expected to suggest the entire remedy. You [meaning the board of managers] are the commission appointed to look after these things."

"Maj. WADSWORTH. Possibly a layman could see things that the officer can not."

"Senator JONES. It seems to me, from my observation there, that the difficulty largely grew out of the lack of apparent interest in the officers in seeing that matters under their control were properly carried on. That is, there were things about the kitchen there that apparently the commissary paid no attention to at all. He never came around and looked into things."

"Maj. WADSWORTH. We have been very weak in our commissary there."

"Senator JONES. That is not only true with regard to the commissary, but the other departments also, except the hospital (p. 1165)."

"Senator CATRON. The greatest need there is to have officers who will keep in touch with the men?"

"Maj. WADSWORTH. Yes; that is it (p. 1166)."

"Senator CATRON. We found the governor [meaning Santa Monica] calling men up before him for the most ridiculous kind of charges. For instance, one man talking among the men, just happened, casually, to say: 'The governor has not got any sense.' Some one overheard him and he was called up before the governor. The governor sentenced him to 40 days on the dump for disrespect to his commanding officer, and it struck me that that was an unnecessary punishment to put upon that man. There were a great many instances there that bore in that same direction that he did not seem to think he had any discretion. It was not only Cochran but the whole administration; all the officers there seemed to agree with him that he was just right—that is, that the whole administration was right."

"Maj. WADSWORTH. Yes (p. 1166)."

"Maj. WADSWORTH. We find sometimes accumulation of rubbish in the attic [meaning at regular inspections]."

"Senator JONES. Of course you expect to find those conditions better when you are there, because the governor is given notice."

"Maj. WADSWORTH. That is so."

"Maj. HARRIS. The regulation is that the commissary of subsistence shall look after these things [meaning variation of bill of fare]."

"Maj. WADSWORTH. They did not tell you that they were tied down to that bill of fare, did they?"

"Senator CATRON. They called our attention to that bill of fare and said they were governed by it."

"Maj. WADSWORTH. There is the regulation."

"Senator CATRON. That is not what they said."

"Maj. WADSWORTH. The regulation also provides that the ration shall have suitable proportions of fish, cereals, bread, and fruit, and the physical condition of the members being considered, coffee, tea, sugar, milk, and the usual table condiments will also be provided."

"Senator CATRON. They seemed to think that their discretion was to be exercised within the limits of the regulation prescribed."

"Maj. WADSWORTH. We do not prescribe any amount. Yes; and the bill at that home until the appointment of Cochran was not satisfactory, and it was satisfactory for two or three years, and now it has not been satisfactory for two or three years; but we have run up against that old-soldier sentiment, and it was impossible to change it. I would have changed it if I had my own way. I am not criticizing them [meaning the rest of the board], because they are old soldiers and have the warmest sympathy for the old men." (P. 1172.)

"Senator CHAMBERLAIN. You were speaking of the extreme sympathy of the governors for those men [meaning the old soldiers]. Now, as good a man as I believed Cochran to be, the evidence of himself and all the others showed that he did not get around. Those old men would very rarely get into his sanctum sanctorum for the purpose of speaking about things they wanted. Now, if he has the right sympathy, the governor ought to go to the bedsides of those old men in the hospital and speak an encouraging word to them and they do not do it. He ought to do it whether he feels it or not."

"Maj. WADSWORTH. You can not expect them to do it."

"Senator CHAMBERLAIN. You were speaking of the intense sympathy that these old men [meaning the governors, etc.] have. They do not show it."

"Maj. WADSWORTH. I think they have as much as I have, and no man can have more than I have."

"Senator CHAMBERLAIN. You take this chaplain out there; while I think he is not an intensely good man, yet the evidence showed that he did not pay any attention to the material welfare of those men, and very little to their spiritual welfare. He did not attend at the hospital, except to attend at the funeral of a man. I think he should have gone around to see them."

"Maj. WADSWORTH. I agree with you on that. Gen. Smith is a member of the board, and he will bear me out in saying that I have always insisted on having and tried hard to get men who had the physical vigor to attend to the needs of these old men."

"Senator JONES. The chaplain has the physical vigor."

"Maj. WADSWORTH. Yes. I thought Wilson was a good average chaplain."

"Senator CHAMBERLAIN. If he is a sample of them, they do not need any."

"Senator CHAMBERLAIN. Have you ever adopted the rule of letting your governors understand that that [meaning personal visits to the men in barracks and hospitals] was required and expected of them, and if they did not come up to the mark you would relieve them? Do you not think that would have some effect?"

"Maj. WADSWORTH. I never visit a home without impressing that upon the governor."

"Senator CHAMBERLAIN. The strongest way to impress it upon them is to let a fellow out once in a while."

"Maj. WADSWORTH. You can issue orders galore; how do you know that he complies with them?"

"Senator CHAMBERLAIN. Let him out if he does not do it. Let them out once in a while; that is the best lecture."

"Maj. WADSWORTH. I could tell you why I could not let them out once in a while." (P. 1180.)

"Senator CHAMBERLAIN. The evidence was undisputed out there [meaning at Santa Monica] on the part of the officers, that in order to have enough milk to go around they put in gallons of water."

"Maj. WADSWORTH. I saw that, too." (P. 1183.)

"Senator CATRON. That coffee at the Santa Monica Home was evidently drowned to death with water."

"Maj. WADSWORTH. That, of course, is not the allowance. The amount given here is what the homes actually consume."

"Senator CATRON. I understand that."

"Senator CHAMBERLAIN. You do not know how much water they consumed with it?"

"Maj. WADSWORTH. There is no allowance on any single item of the ration."

"Senator CATRON. It may be that he would drink two or three times as much water [in his coffee] as the regular soldier to get that much coffee."

"Maj. WADSWORTH. If there was only that much coffee [meaning 19 pounds] in 100 gallons of water, that was not enough."

"Senator CATRON. That is what they put in."

"Maj. WADSWORTH. That is an unreasonable proposition and is purely a local fault, in not making the coffee as it should be made." (P. 1194.)

Now, after the Senate investigating committee had forced the foregoing damnable admissions from the president of the Board of Managers [Maj. Wadsworth] and the board's inspector, and just as soon as Maj. Wadsworth could recover his self-composure, he proceeded to deliver himself of the following, apparently in a wild endeavor to "whitewash" the whole thing. Here is what he said, in part (p. 1196):

"Maj. WADSWORTH. I would like to make a statement to go into the record, because I do not think that the Nation at large, or Congress, knows what we are doing for these old men. [Quite right, Major; we didn't know how you were treating these old men until after the Santa Monica investigation, but we do know now.—W. W. D.] I believe, honestly, that 98 per cent or 99 per cent of the 17,000 or 18,000 old men are physically comfortable and mentally happy; as happy as men of that age, leading their idle lives, can be. The other 1 or 2 per cent are the men who, through overindulgence, have rendered themselves absolutely unable to enjoy old age [How about the many hundreds of respectable and sober old veterans who complained against your system at Santa Monica, Major?] or who are the chronic growlers or kickers you find in every walk of life. [The findings of the investigating committee do not bear you out, Major.—W. W. D.]

"What does the Government do for them? When a man comes to the home he is clothed from the top of his head to the bottom of his feet [with old, second-hand clothes, Major.—W. W. D.], he is housed in a well-lighted, ventilated, and heated room [you mean he is herded in naked old barracks with a hundred other old men, Major.—W. W. D.]. Those men sleep in a perfectly clean, comfortable bed [when the bed-bugs are not too numerous, Major; see testimony of Santa Monica witnesses.—W. W. D.]. They have their bathrooms, water-closets, and lavatories [65 old men to one bathtub, Major; see where diseased old men bathe in with the rest, in Santa Monica testimony, Major.—W. W. D.]. They do not have to go out, as three-fourths of them used to [you mean 50 years ago, Major.—W. W. D.], being farmers in the country, to a privy on a cold night [farmers now have lavatories in their houses, Major.—W. W. D.]. They are even supplied with toilet paper [Major, toilet paper replaced corn-cobs on the farm 40 years ago.—W. W. D.]. We give those men three wholesome, nutritious meals a day [Major, the "wholesome" meals you talk about cost you 6 cents apiece—composed of coffee, one-third strength, watered milk, badly baked bread, inferior cooking etc. Major, you said that the sheets on the beds of the old soldiers are changed just as they are in your own home. Now, are the meals anything like you have in your own home? Do you think you would be able to perform your duties as president of the board on 20 cents' worth of rations a day?—W. W. D.]. Best of all, when one of these poor old fellows falls ill, he knows that right there is a splendidly equipped hospital, where he will get the best of care. When he dies he is put in a coffin fit for anybody, the American flag is put over him, and he is taken to the grave with the band leading the procession and a troop of mourners following [who furnishes the mourners, Major, the board of managers?—W. W. D.], and when he is put in the grave a stone monument is put at his head, and his grave is decorated with flowers on each Memorial Day. What more could the Government do for those men? [Major, the Government does its share, but do you do yours?—W. W. D.]

"Senator CATRON. I do not think they look at that latter performance very favorably" (p. 1197).



In justice to Maj. Wadsworth it might be proper for me to say in connection with the foregoing remarks by the major that the purchase of "whitewash" is authorized by the regulations of 1912; the exact paragraph in which it is authorized has slipped my memory for the time being. I may say that after the Santa Monica investigation the governor of that branch was discharged, along with several other officials of that home.

Next, in order, I wish to call attention to certain things in the annual report of the board of managers for the fiscal year ending June 30, 1912—I would use a later report, but the 1913 report has not yet been published.

According to the above-mentioned annual report, the average per diem cost of the ration for members was as follows:

Branch homes.	
Central.....	\$0.2032
Northwestern.....	\$0.1992
Eastern.....	\$0.2243
Southern.....	\$0.2053
Western.....	\$0.1945
Pacific.....	\$0.2012
Mountain.....	\$0.2051
Danville.....	\$0.1936
Marion.....	\$0.2144
Battle Mountain Sanitarium.....	\$0.2125
Average.....	\$0.2053
Total average members present for year 1912.....	18,977
Multiplying by average annual per capita cost.....	\$74.9345
Making total annual cost of ration.....	\$1,432,032

The following is a statement which was made up from the reports of the various branches as to the maintenance of farms:

Branch.	General expenses.	Commissioned officers.	Noncommissioned officers.	Members.	Civilians.	Total.
Central.....	\$626,864.29	\$23,358.07	\$11,959.31	\$68,394.82	\$92,719.58	\$196,431.75
Northwestern.....	370,812.67	19,594.34	6,041.33	40,000.82	53,845.76	119,542.25
Eastern.....	375,411.79	20,339.18	7,088.51	31,901.62	65,507.73	124,837.04
Southern.....	513,097.87	18,692.89	6,534.82	37,806.22	68,812.97	131,846.90
Western.....	467,391.61	20,012.46	7,202.16	38,983.83	70,342.87	145,541.32
Pacific.....	444,003.90	17,946.67	7,480.00	33,471.78	76,142.81	135,011.26
Marion.....	298,148.11	17,764.50	6,679.84	33,647.98	53,173.19	111,265.51
Danville.....	384,367.26	19,827.24	7,595.67	42,876.56	54,763.60	125,003.07
Mountain.....	300,412.98	17,483.59	4,615.34	28,905.10	61,778.28	112,782.31
Battle Mountain Sanitarium.....	173,655.11	11,099.70	755.49	8,789.47	43,324.24	63,968.90
Total.....	3,934,165.59	186,118.64	65,952.47	364,838.20	649,411.03	1,266,320.34

From the foregoing it will be seen that the total general expenditures for the various branches amounts to \$3,934,165.59, and that the total amount paid out for salaries amounts to \$1,266,320.34, which is exactly 32 per cent of the entire general expenditures of the various branch homes; in other words, \$32 out of every \$100 goes for salaries. This I ascertained only after dissecting a great many figures.

In table D, page 51, annual report of Board of Managers for fiscal year 1912, shows that \$272,503.99 was covered into the United States Treasury, the same being unexpended balance for fiscal year 1912. This sum added to \$1,432,032, which was the total cost of the ration for all the homes (see p. 10, this letter), would be \$1,704,535.99. This sum might have been spent for rations, and had it been done it would have increased the average per diem cost of ration per capita from \$0.2053 to \$0.2461. On page 1206, Santa Monica investigating committee's report, is found Gen. E. A. Garlington's testimony with reference to the Regular Army ration, the ration for the United States Army Soldiers' Home, Washington, also the hospital ration there, which is as follows:

Regular Army ration per diem per capita.....	23.78
United States Army Soldiers' Home per diem per capita.....	34.75
Hospital United States Army Soldiers' Home per diem per capita.....	46.54

Annual report Board of Managers for National Home for Disabled Volunteer Soldiers shows as follows (see p. 10, this letter):

Average annual per diem cost of ration per capita.....	20.53
Average annual cost of ration per diem per capita at Battle Mountain Sanitarium, National Home for Disabled Volunteer Soldiers.....	21.25

The foregoing comparisons require no explanation; they speak for themselves, and speak very loudly for the men in the National Home for Disabled Volunteer Soldiers. Gen. E. A. Garlington, Inspector General of the Army, sums up his testimony with reference to the ration for the National Home for Disabled Volunteer Soldiers, as follows (see p. 1207): "From my study of the question, the principal trouble is in too much economy with respect to the rations, and everyone else, almost, is of the same opinion—with, of course, the exception of the administration of the National Home for Disabled Volunteer Soldiers.

On page 1234, Santa Monica investigating committee's report, appears the findings of the expert accountant as to the methods for estimating for supplies, and he states, in part, as follows:

"I would recommend that a closer supervision be maintained over the handling of supplies. At the present time no close record of receipt and delivery of supplies is maintained and the supplies might be depleted through carelessness or intention, and it would be difficult to discover it.

"REYNOLD E. BLIGHT,  
"Certified Public Accountant."

We come now to the local administration of the Battle Mountain Sanitarium, National Home for Disabled Volunteer Soldiers, here at Hot Springs, S. Dak. On page 196, annual report, National Home for Disabled Volunteer Soldiers, fiscal year 1912, will be found report of Battle Mountain Sanitarium, in which it is stated that the average attendance for that year was 352, and that the per diem cost of the rations per capita was \$0.2125; this means that the total amount expended for rations there was \$26,329.60. Please note now, that while the hospital of the United States Army Soldiers' Home, Washington,

Farm at—	Income.	Cost.	Net loss.
Central.....	\$14,258.61	\$27,762.79	\$13,504.18
Northwestern.....	471.03	9,018.28	8,547.25
Eastern.....	11,547.86	20,257.43	8,709.57
Southern.....	108.29	9,894.66	9,786.37
Western.....	7,716.64	15,456.34	10,739.70
Pacific.....	7,967.64	15,780.53	7,812.89
Marion.....	11,126.61	13,481.58	2,354.97
Danville.....	1,153.01	10,730.13	9,577.12
Mountain.....	13,842.50	20,546.29	6,703.79
Battle Mountain Sanitarium.....	408.20	6,452.22	6,044.02
Total.....	68,600.39	132,350.55	\$63,750.16

In this connection I may say that according to the statement of Maj. Wadsworth, on page 1189, Santa Monica Soldiers' Home investigating committee's report, the care of the grounds about the homes is also charged up to the farm. As to whether or not this covers to some extent the losses incident to operating the farms is a matter of considerable speculation. A careful computation of the income and cost of the farm at the Battle Mountain Sanitarium shows that it costs each member of the institution \$17.17 per annum for "scenery," this being the net loss per capita for operating the farm.

The following is an analysis of the amount paid for salaries during the fiscal year 1912. This I gathered only after a great deal of computation:

Branch.	General expenses.	Commissioned officers.	Noncommissioned officers.	Members.	Civilians.	Total.
Central.....	\$626,864.29	\$23,358.07	\$11,959.31	\$68,394.82	\$92,719.58	\$196,431.75
Northwestern.....	370,812.67	19,594.34	6,041.33	40,000.82	53,845.76	119,542.25
Eastern.....	375,411.79	20,339.18	7,088.51	31,901.62	65,507.73	124,837.04
Southern.....	513,097.87	18,692.89	6,534.82	37,806.22	68,812.97	131,846.90
Western.....	467,391.61	20,012.46	7,202.16	38,983.83	70,342.87	145,541.32
Pacific.....	444,003.90	17,946.67	7,480.00	33,471.78	76,142.81	135,011.26
Marion.....	298,148.11	17,764.50	6,679.84	33,647.98	53,173.19	111,265.51
Danville.....	384,367.26	19,827.24	7,595.67	42,876.56	54,763.60	125,003.07
Mountain.....	300,412.98	17,483.59	4,615.34	28,905.10	61,778.28	112,782.31
Battle Mountain Sanitarium.....	173,655.11	11,099.70	755.49	8,789.47	43,324.24	63,968.90
Total.....	3,934,165.59	186,118.64	65,952.47	364,838.20	649,411.03	1,266,320.34

spends 46.54 cents per diem per capita for rations, that this Battle Mountain Sanitarium (which is the hospital for the National Home for Disabled Volunteer Soldiers) spends only 21.25 cents, less than one-half as much as the United States Army Soldiers' Home hospital spends. On the same page of the annual report mentioned above will be noted that the Battle Mountain Sanitarium turned back to the general treasurer of the National Home for Disabled Volunteer Soldiers \$21,553.03, unexpended balance for fiscal year 1912. Had this sum been added to the \$26,329.60 spent for rations, it would have swelled the amount to \$47,882.63, and raised the per diem per capita ration allowance from 21.25 cents per diem per capita, to 37.54 cents. As nearly as I could ascertain from Maj. Wadsworth's testimony, the reason why the National Home for Disabled Volunteer Soldiers stubbornly adheres to the starvation ration allowance, is on account of "long established custom."

From the annual report above mentioned I ascertained, after considerable dissection of figures, that just 15 per cent of the money spent at the Battle Mountain Sanitarium was utilized for the purchase of the rations, while 30 per cent, or \$63,968.90, was spent for salaries, and that the net cost to each member for the maintenance of the farm was \$17.17 per annum; this is the net loss for the operation of the farm which, according to the testimony of Maj. Wadsworth, is the amount expended for the maintenance of the grounds about the buildings.

I will note below something of what I have observed with my own eyes since I came to the Battle Mountain Sanitarium as a patient and leave it to your good judgment as to whether you think I am acting wisely in leaving the place to go out in the world penniless and rely upon the kindness and generosity of others for sustenance rather than put up with what one has to contend with here. The following remarks will, I think, give you a sufficient basis to form an opinion as to whether this institution is in just as bad a state of lethargy and procrastination as was Santa Monica Soldiers' Home when the Senate investigating committee went there, now about a year ago.

The first thing I encountered when I entered the door of this place was the astounding stupidity of the civilian employees. I went to the desk of the receiving clerk (or adjutant), and he looked over my application for admission, which clearly set forth my occupation at the time I entered the Army, which was that of stenographer. Attached to my application for admission were also several efficiency ratings which I had received while I was in the civil service, War Department. But notwithstanding this evidence this young fellow had the astounding and abysmal stupidity to calmly ask me if I could "read and write." He also asked me if I had utilized by Government transportation to this place, and I replied that I had; but I observed that he made no note of what I said. I went to the tubercular ward, which is some distance from the main building, and I was feeling very weak from my long trip by rail. I had not been in the ward long when I was summoned by an orderly to go up to the treasurer's office, thinking that I would be required to sign some papers, maybe, and that there was some reason for my appearance there in person. So I climbed a number of flights of stairs, up a hill, and into the main building; then up to the treasurer's office, and reached there completely exhausted.

And as soon as I entered I was again confronted with this question as to whether I had utilized my Government transportation. I was, to say the least, utterly exasperated. I replied that I had utilized my transportation, and told this callow youth in the Treasurer's office that I had already given the same information to the receiving clerk across the hall, to which he replied that that was none of his affair. Now, it occurred to me that if they had even a modicum of a system of checking up things there, that this receiving clerk could have noted about the



transportation on my papers, and when the Treasurer's clerk came to check up the transportation he might, instead of dragging a poor sick man up before him, have simply stepped across the hall and secured the information from the receiving clerk, like any businesslike establishment would do. In case the receiving clerk didn't have this information, it seems to me that the Treasurer's clerk might have sent me down a memorandum by the orderly, with merely the question as to whether I had utilized my transportation, to which I could have easily added "yes," and that would have ended the matter in a businesslike manner. But not so with this administration here.

When I entered the ward to which I had been assigned I observed that the patients were protesting because they had not been issued any chewing and smoking tobacco for several weeks, as is provided for in paragraph 262 of the Soldiers' Home Blue Book. I believe they did get chewing tobacco, but am sure it was not smoking; but they showed the tobacco they had received to me, and it was all permeated with a greenish mildew. On October 20 last I observed that no smoking tobacco was issued—only chewing—and that the chewing tobacco that was issued was filled with this greenish mildew. Issue of smoking tobacco was resumed November 20, after having been out for more than a month. During the time no smoking tobacco was issued to the nonpensioner patients I was in the post store several times and observed that they had smoking tobacco for sale there, and it struck me rather curiously that an institution that was bound by the regulations to issue tobacco to its nonpensioner members was failing to do so, but was selling it.

The issue of smoking tobacco has relapsed again this month (December), and without one word of explanation as to why: they send around not one word of explanation, only leaving the patients to wonder at their failure to comply with the regulation. That there is a question as to the advisability of a sick man smoking or chewing a little, I will admit; but that for them to issue this mildewed chewing tobacco to a sick man there is, to my mind, absolutely no justification under the sun. Why, if I had a billy goat and he had no more self-respect than to chew this tobacco they issue here, I'd take him out and shoot him. The smoking tobacco was just about as bad as the chewing. It was this "Hugh Campbell's Shag," and when a man would light his pipe he would be thrown into a fit of coughing, since the tobacco was nothing but screenings and ground almost as fine as snuff and as rotten as cabbage leaves. I couldn't smoke it myself, and I heard the other patients saying they couldn't smoke it either, and they threw it away.

Between November 7 and the present date eggs, sirup, oranges, port wine, grape juice, apple butter, tomato ketchup, graham bread, and various other articles of diet have alternated in being "out" and no explanation as to why. I know two or three men who were depending upon eggs alone, almost, and when eggs would run out these men would naturally feel dissatisfied and wonder where the trouble lay. I might be more exact and name dates on which the various articles of diet and medicine are reported to be "out," but it would be too voluminous; I have the dates here, but will not insert them. From the foregoing it will be clearly seen, by reference to the Blue Book, that when these various articles of diet are allowed to run out it is a direct violation of paragraph 74, which says, in part: " \* \* \* Strict economy will be observed in the preparation of food, without stinting the tables." Paragraph 604 makes ample provision for the purchase and issue of subsistence supplies. Paragraph 606 makes ample provision for "emergency requisitions." Paragraph 609 makes ample provision for the special diet of hospitals, and does not restrict the amount. Paragraph 57 makes ample provision for the surgeons in charge of hospitals to make timely requisitions for all supplies needed in hospitals, and paragraph 32 makes ample provision for the governor to make emergency purchases.

From the foregoing it will be clearly seen that the administration here is bound by no cast-iron regulations, which might impair the efficiency of their administration, so about the only excuse I can give for their failure to provide the things which the United States Government intends the members shall have is simply on account of official procrastination and stupidity and indifference as to their duties.

When I came here I heard the patients complaining about the excessive dust in the wards, and I observed that the ward men were sweeping up the bare floors without anything to keep down the dust. They finally induced the governor to send down some sawdust, which came in a few days—only about half a bushel. This soon ran out, and a barrel of shavings finally came down, but the ward men couldn't use them since they would stick to the floors like wet leaves. The governor's attention was called to this on or about November 15, and he promised to get some sawdust. Things rocked on for two or three weeks without any sawdust, and in the meantime the patients were protesting loudly at the excessive dust, which always irritates the lungs of a tubercular patient. On December 12 I importuned the governor to please get some sawdust, and four days later down came some coarse stuff which was unfit for any use to speak of. It took the governor just 31 days to replace the sawdust, and in the meantime my cough increased in violence until I began to run a high pulse and fever, but the governor was apparently as oblivious of his delinquencies as if he had been a child. The sawdust might have been secured from any of a number of sawmills all within a radius of 2 to 3 miles of this place, and the institution here has wagons and teams a plenty.

Then another instance of the governor's procrastination came very forcibly home to me in November and December of this year. I had a small tumor on my forehead, and on November 10 asked the governor to remove it; he replied that it could be done in a few moments, but without making any note of it passed on down the ward. A week later I again called it to his attention, and he said he was a little short of doctors, and for me to call it to his attention in another week, which I did, but this time he told me that he could do it the following Thursday, and when Thursday came around I reminded him of it as he had requested me to do, but he said that was a holiday and he couldn't do it that day, so he again passed along without even saying when he could do it.

A week later we had changed nurses in our ward and had a very efficient nurse, Mrs. Gilchrist, who called the tumor to the governor's attention, and he then finally said he would remove it that afternoon, which he did, after nearly 30 days' of begging on my part, and after he had had the matter brought to his attention five times. I submit that when a patient brings a thing to the doctor's attention and the doctor says it is expedient that the operation be performed, that from that moment the responsibility for the operation passes from patient to doctor. But to impose upon a patient the necessity of reminding a doctor of his duty time and again is, in my judgment, very poor professional ethics on the part of the doctor.

After the operation had been performed, about five days, I went to one of the internes, Dr. Crane, who pulled the dressing off the wound, leaving the vicinity of the wound covered with dried blood and the wound itself still raw, but notwithstanding this, Dr. Crane told me to go back to the ward and wash the wound off with warm water; this

right in the face of the fact that the wound was still raw, and in the face of the fact that I am suffering from pulmonary tuberculosis and would in all likelihood run a great risk of infecting the wound. This, too, in my judgment, is an indication on the part of Dr. Crane of very poor professional ethics, and shows a spirit of indifference and procrastination. You may rest assured that I did not do as Dr. Crane told me, but left the wound entirely alone until it had healed sufficiently to prevent the possibility of infection.

I would like, also, to call attention to certain very grave derelictions of duty on the part of a Miss Turner, the nurse who preceded Mrs. Gilchrist in this ward. I observed that this nurse seemed to take pulse and respiration simultaneously, and then for only 15 seconds. I heard Mr. Frank H. Henderson and Mr. P. E. Holman, patients, say that they had held their breath while the nurse was supposed to take their respiration, and they said that they observed that she put down respiration just the same, and this of course aroused my suspicion, and I decided to give her a tryout, so I carefully observed her the next morning, and the instant she reached my side I withheld my breath, and during the 15 seconds that she held my pulse I breathed just once, and as she turned to write it down I observed that in addition to writing down my pulse she also put down "24" as my respiration, and I immediately reminded her of it, and told her I had held my breath, and she seemed a trifle confused a moment, then said I oughtn't to do that. That she was taking respiration by actual guess instead of by actual count, is absolutely beyond peradventure.

We have rest hour twice a day here, or are supposed to have, but this nurse would tramp through the ward right in the midst of the rest hour, when patients were trying to doze, and do so with the reckless abandon of a schoolboy. One day I asked her to refill my atomizer receptacle with oil, but instead of putting oil in it she brought it back to me with carbolic acid in it. As it happened the carbolic was weak and didn't burn my nose much when I tested it. On another occasion I saw her give P. E. Holman his daily medicine, and as he swallowed it he exclaimed that it was awfully bitter and tasted unusually queer; whereupon she said she had given him the wrong kind and went and refilled his glass with the proper kind, brought it back, and told him to take it on top of the other; that "it wouldn't hurt him"; and she did this with the most absolute diffidence imaginable. This nurse was a constant source of irritation to all the patients on this side of the ward and no one had any confidence in her to speak of. I wouldn't take another dose of medicine from that nurse for \$500, not unless I was contemplating suicide; and I don't think you would blame me, either.

Another thing which is a source of great annoyance to the patients in the tubercular ward is the fact that from 12 to 15 men are required to be crowded up in one small 16-foot room; that is, it wouldn't square any more than that. According to the best medical authorities, a patient in a hospital should have at least 3,000 cubic feet of fresh air per hour. Now this room contains only 2,400 cubic feet of air space, and it would be just about enough for one man, with a change of air once an hour; but to force 12 to 15 men to lounge in it would require that the air should change about fifteen times an hour, or once every four minutes. Now, on cold days and nights in the winter, with the temperature about zero outside, it is an absolute impossibility to get even half enough fresh air or one-fifth enough fresh air. The patients usually congregate in the room for a couple of hours after meals to smoke or read, for the room is used as a cloakroom, as all their clothes are kept in it in lockers, and as a lounging room and recreation room. I find it oppressive to remain in the room when there are more than three or four men in it. I submit that any doctor who will silently stand by and allow a crowd of consumptives to be cooped up in such a "Black Hole of Calcutta" hasn't any more humane feelings than a fence post. Yet this goes on from month to month, and the governor knows it, and knows it is inadequate, but he is as indifferent to it as an infant.

Another thing I have thoroughly verified, and that is the utter carelessness of the doctors in making their morning rounds of this ward. The governor himself visited this ward for about six weeks, and I observed that he went through it very quickly. So one day I concealed my watch under the cover of my bed, and timed him from the moment he entered the building till he left. I did this for about a week. I found that it took him just about eight seconds to enter the chart room and get into the ward. This made it utterly impossible for him to examine the temperature, pulse, respiration, and weight records, which are supposed to be made up for the doctor to examine each morning before he passes through a ward or to be carried along with him as he visits each patient. But he ignored these charts and passed immediately into the wards and down the line, and, on an average, he spent 5 to 10 seconds to the patient. I was running a high pulse and temperature during the latter days of the governor's visits, but he never once said a word about it, but would pass me and, as he did so, stare down at me with a meaningless expression on his face, just as if he were viewing an Egyptian mummy. He hurried past his patients, whose lungs were in all sorts of decay, from incipency to tertiary stages, and he never, never once offered to examine a man unless the poor fellow begged him to, and then, as a rule, he would put the man off two or three times. Mr. P. E. Holman, to my knowledge, kept at him for several weeks for an examination, but to date he swears he hasn't been examined. I was given a hasty examination when I entered, but haven't been examined since, except once or twice I asked the governor to sound my chest, and then it was but for a moment.

But "we have with us" now Dr. Milligan, late of Santa Monica, and from his actions he doesn't seem to have profited in the least by the terrible shaking up they got out there a year ago, although he was there at the time, so the records show. The nurse tried to tell him, a morning or so after he was assigned to our ward, that I was running an unusually high pulse and temperature, and she told him just as he was reaching my bedside, but he paid absolutely no more attention to her than if she hadn't spoken to him. Yesterday morning he again came through the ward and passed by me without stopping at all, so as he came back on his way out of the ward I asked him if he had examined my temperature and pulse chart for the past 24 hours, and he replied that he had not; then the nurse told him that I had a temperature of over a hundred and high pulse. Right there he admitted that he was neglecting his duty; he admitted that he did not examine the charts before going through the wards.

If the charts are not kept for the purpose of enlightening the doctor as to the patients' condition, I wonder what they are for. He spends even less time in the wards than did the governor. Dr. Milligan has now ceased making his afternoon rounds altogether, except to come to the dining room at supper time to see about the meals now and then. He is a source of constant irritation to the patients because of his professional lethargy; they see it; they see he hasn't the slightest



regard for the psychotherapy (popularly known as the "mental attitude") element in the treatment of tuberculosis. That sick men are apt to be restive and impassive now and then is to be expected, but if Dr. Milligan or the governor has ever manifested the slightest personal interest in the men I have never been able to detect it. Another thing, we have a chaplain here, but only in name, and most certainly not in deeds, for he hasn't been in this ward since I came here—now nearly three months—and patients who have been here nearly a year say that they have never seen the chaplain in the wards. This is strictly in violation of paragraph 82 of the bluebook, which requires that chaplains shall make frequent visits to the hospitals. No notice of a service has ever been published in these wards in this building; nor do we ever see a bulletin board; nor are we furnished with a copy of all orders, and also the Blue Book, as required by the Blue Book.

That the governor is arbitrary in his administration goes without saying. He tries to force the sick men to line up with their coats on when he makes his morning rounds; that is, if they are in the recreation room, where it is close and stuffy and where a man should never wear his coat unless he wants to contract a death of cold the moment he goes out of it. That the governor is arbitrary and unreasonable in refusing to allow the nurses and other help to ever be seen in the company of men—it matters not whether on the grounds or off—goes without saying, and I hear them protesting loudly about it. It makes the nurses dissatisfied and tends to make them indifferent.

I have found that there is neither entente cordiale nor esprit de corps among the officials of this home; that they haven't any more respect or consideration for the feelings of the members than if they were inanimate, mechanical devices. That the employees—I mean the clerical contingent—are snobbish I am thoroughly convinced of. I was in the Federal civil service seven years, and if I am any judge of men at all I must say unhesitatingly that the clerks here couldn't hold jobs as messengers in the classified civil service.

Now, in view of the foregoing you will no doubt see the wisdom in it when I say that unless a man is drawing at least a small pension when he is in these national homes, God help him. Use this for any purpose you may see fit.

Yours, very truly,

WILFORD W. DAVIS,  
Late Private, Troop M, First United States Cavalry, and  
Ex-Civil Service Clerk, War Department.

DAVIS LEAVES BATTLE MOUNTAIN HOME,  
BATTLE MOUNTAIN SANITARIUM,  
Hot Springs, S. Dak., December 30, 1913.

The Hon. DANIEL R. ANTHONY,  
House of Representatives, Washington, D. C.

DEAR SIR: I am inclosing a copy of my application to the governor of this institution for my discharge, and am leaving this date for Denver, Colo., where I intend to enter a charitable institution. This application for discharge is self-explanatory.

In this connection please refer to my letter of even date setting forth conditions here.

Now, Mr. ANTHONY, if you would like to find out how lovely and efficient things are here at the Battle Mountain Sanitarium, National Home for Disabled Volunteer Soldiers, just call on the Board of Managers, National Home for Disabled Volunteer Soldiers, 346 Broadway, New York, N. Y., for an investigation; but if you wish to know how superbly inefficient, how astoundingly incompetent, how abysmally indifferent this administration really is, just send a congressional investigating committee out here.

My future post-office address will be Wilford W. Davis, Denver, Colo., care of general delivery.

Yours, very truly,

WILFORD W. DAVIS,  
Late Private, Troop M, First United States Cavalry, and  
Ex-Civil Service Clerk, War Department.

T. B. COTTAGE, December 29, 1913.

The GOVERNOR AND SURGEON,  
Battle Mountain Sanitarium.

DEAR SIR: I should be pleased if you would please grant me my discharge, and have the papers ready in order that I may leave on the Burlington train at 5.55 p. m., Tuesday, the 30th instant.

As to my reasons for desiring to leave, you will find them upon examination of my chart, which shows that I have been steadily declining now for more than a month. This place does not agree with me, and unless I go elsewhere at once I shall not be able to leave at all.

I am a poor man, without a cent on earth, and am in debt, and have no pension or income of any kind whatever, and will be entirely dependent upon the kindness and generosity of others for my maintenance on the outside; yet I had rather face these conditions than to imperil my life by remaining here.

Yours, very respectfully,

WILFORD W. DAVIS.

ADAMS MEMORIAL HOME,  
Denver, Colo., April 11, 1914.

The Hon. DANIEL R. ANTHONY, JR.,  
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of inquiry with reference to the Battle Mountain Sanitarium has just been received. Your suggestion as to the methods of the Board of Managers in combating complaints against the National Home for Disabled Volunteer Soldiers is more than true, but I am happy to assure you that in the present instance these tactics will be absolutely of no avail to them. I learned of these methods soon after I entered the Battle Mountain Sanitarium, and I therefore took the greatest of care to see that I gave them not the slightest excuse for any recriminations against me in this particular. No charges were ever preferred against me, either in writing or orally. My relations with them were courteous and polite. My first break with them was when I mailed you my report of December 30, 1913, the day I left the place. They know that I reported conditions to you, and this constitutes every syllable of differences I have had with them. There was no malingering, no infractions of rules in any way whatsoever, during my stay with them. I am inclosing you my discharge certificate from Battle Mountain Sanitarium, which is self-explanatory.

As further proof of my reliability I am also inclosing my discharge certificate from the United States Army, which shows that my Army record was above reproach in any way. I am inclosing a letter written

by the adjutant general, Philippines division, Manila, April 30, 1904, confirming my appointment to the classified civil service of the Quartermaster's Department, and with this I have attached two of my efficiency ratings, showing my standing in the civil service after my return to the United States and while on duty at the depot quartermaster's office, Jeffersonville, Ind., which was just before my resignation from the civil service. For a full record of my connection with the civil service I refer you to the records of the Quartermaster General's Office there in Washington between 1904 and 1909. I also refer you to Dr. William S. Washburn, member of the United States Civil Service Commission, Washington, who is a personal friend of mine and whom I knew for five or six years while he was chief of the Philippine civil service, Manila.

There will probably be a political aspect to this matter before it is settled, which you will instantly recognize the moment you look at the front page of the inclosed menu of Battle Mountain Sanitarium, which bears the picture of the Hon. E. W. MARTIN, of South Dakota, who, it appears, is quite a friend of the present governor of the sanitarium, James A. Mattison, and who will probably put up a fight for Mattison. Mr. MARTIN has a nephew employed as adjutant at the sanitarium, and this nephew is the fellow whom I criticized quite severely in my report to you for his "abysmal stupidity." I am merely bringing this to your attention, so that you may know what to anticipate when the fight comes up on the floor of the House.

In conclusion, I may say that since writing my report to you of December 30 I have in not one single instance found that any statement I made was without good and sufficient foundation, and that subsequent incidents at Battle Mountain Sanitarium have only confirmed its truthfulness. The nurse whom I called attention to as being remiss in her duties, etc., was discharged as soon as it was known that I had reported her to you.

Any further information which you may desire in this connection will be cheerfully furnished, if within my power. I would have been more explicit and more thorough in my reports to you but for the fact that I have been too ill to leave my room.

I should be pleased if you would kindly return the inclosures herein as soon as they are no longer required. Thanking you for your interest in this gigantic problem, and again assuring you of the merits of the case, I remain,

Yours, very truly,

WILFORD W. DAVIS.

P. S.—It will be noted that in my report to you I signed myself as "Ex-Pvt., Tr. M. 1st U. S. Cav.," while my Army discharge and that of the sanitarium show "Pvt. Unassigned 12th Cav." This is due to the fact that a few weeks before my discharge from the Army I was transferred from Troop M, First United States Cavalry, to Unassigned Twelfth Cavalry.

#### AN HONORABLE DISCHARGE.

A most reprehensible method of defense on the part of home officials, when the homes are criticized by members, is to attack the character or record of the soldier making the complaint. The following honorable discharge of Wilford W. Davis is therefore printed as a part of this record:

To all whom it may concern:

Know ye, that Wilford W. Davis, late private, unassigned company, Twelfth Regiment United States Cavalry, a member of the National Home for Disabled Volunteer Soldiers, who was admitted on the 15th day of October, 1913, is hereby honorably discharged, by reason of his own request. No objection to his readmission is known to exist.

Said Wilford W. Davis was born in Alabama, is 33 years of age, 5 feet 11½ inches high, fair complexion, blue eyes, dark brown hair, and by occupation, when admitted, a stenographer.

Given at Battle Mountain Sanitarium Branch, National Home for Disabled Volunteer Soldiers, this 30th day of December, 1913.

JAMES A. MATTISON,  
Governor and Surgeon.

RELATIVE TO A REPORTED INVESTIGATION OF SOLDIERS' HOME CONDITIONS BY A COMMITTEE OF SPANISH WAR VETERANS, SUPPOSEDLY INSTIGATED AND FATHERED BY SOLDIERS' HOME OFFICIALS.

ADAMS MEMORIAL HOME,  
Denver, Colo., April 13, 1914.

Hon. D. R. ANTHONY, JR.,  
House of Representatives, Washington, D. C.

DEAR MR. ANTHONY: I have just received your letter of the 14th instant with reference to the report of Mr. Frank F. Jones regarding Battle Mountain Sanitarium, in which he states that my letter to you of December 30 is "one tissue of false charges."

It would appear to an outsider that a very grave "blunder" had been made by Mr. Jones and Maj. Wadsworth in linking me up with three men who had not the slightest connection with me or my report. But to one who is familiar with the inside workings of this matter it is palpably evident that these gentlemen are striking at me over the shoulders of three men who may have been unfortunate enough to fall within the grasp of these said gentlemen. This, it appears, was done in the absence of any charges these gentlemen might lodge against me personally.

You asked me for a statement as to what I know about Wallick, Lacey, and Vont, the three men who have recently been given the "gate" at Battle Mountain—for criticizing the management. I am personally acquainted with each of them.

Wallick: A frail chap, in the secondary stages of pulmonary tuberculosis. Inclined to be fanciful as to his surroundings. Reads socialist literature, but I never heard him voice a single sentiment in favor of "direct-action" tactics, such as is the wont of the I. W. W.'s. I am most certain he is entirely harmless, and am sure that the fellow would never knowingly insult a decent woman much less assault a respectably built athlete like the governor of Battle Mountain Sanitarium. I never knew of this fellow's taking a drink while I was at Battle Mountain.

Lacey: The remains of a once healthy Irishman, but now in the advanced stages of pulmonary tuberculosis and unable to lick a postage stamp without stopping to get his breath. Never drinks; i. e., never saw him under the influence of liquor. Has a well educated wife, who was an instructor in foreign languages in New York high schools. Lacey himself was, until he became ill, chief electrician for the New York World, World Building, New York, at a salary of \$175 per month; showed me documentary evidence to prove this. Quite restive and impassive at times. One day when this Miss Turner—the nurse who I reported on page 19 of my letter to you—came in and gave him a medicine glass of clear water, having, as she said, forgotten to put the nux vomica in it, I heard Lacey say "damn." As the nurse walked away



Lacey brought the glass to my bedside and I tasted its contents, and it was pure H<sub>2</sub>O. Presently she returned with the concoction the doctor had ordered. Probably Lacey should only have said "damn." What would you have said under the circumstances? I warned Lacey that some day the governor would hold this over his head. I can not support Lacey in what he said; I am merely pleading "aggravating circumstances." This was the nurse whose services were dispensed with when it was learned that I had reported her to you. Never heard Lacey threaten the governor's life, or anybody else's life, nor talk of "destroying the place by fire." This fellow is inclined toward socialism, but I have often heard him denounce the I. W. W.'s.

Yount: An easy-going, uneducated chap, in the advanced stages of pulmonary tuberculosis, but able to get about some yet. Was told that he got drunk Christmas, at any rate the contour of his face after he had been beaten up indicated such, and he admitted as much to me, then promptly went up to the governor's office and apologized. I saw him go to the governor's office, but only had his word for what he told the governor. This fellow is another helpless, harmless consumptive. Never heard him insult a nurse, nor make any threats.

In a word, these three men are simply three miserable, wretched, nonpensioned, impoverished invalids, with a rather exaggerated idea of their surroundings. They may have said what Jones reports they said, I don't know for sure; but I am constrained to the opinion that they were weak enough to succumb to the temptation to express themselves too freely in the presence of careless nurses and indifferent doctors. These three men probably suffering more from violation of conventionalities than on account of any profanity or malice which has been attributed to them. You know how soldiers will sit round the barrack room and indulge in idle remarks about people from the President down to the humblest private in the rear ranks. I have it very accurately that the governor had a man or two in the ward with these men for the purpose of reporting any remarks they might make which would incriminate them in any way. If these men have been guilty of violation of either the letter or spirit of politeness or of rules and regulations, I think you'll find a precedent for it in the carelessness of nurses, procrastination of doctors, as outlined to you in my letter of December 30. You will no doubt recall the disorder that used to exist in the schoolroom when you were a boy, when you had a weak schoolmaster—the big, bad boys throwing paper wads, pulling the girls' hair, banging one another over the head with books, etc. Well, in my judgment, Battle Mountain Sanitarium is nothing more than a replica of just such a state of things. When the trustees would haul the teacher up for not preserving order, he would promptly conceal himself behind the behavior of certain noisy pupils, etc. Well, this is just what James A. Mattison and James W. Wadsworth are now doing in Washington with regard to the soldiers' homes.

Last week a patient, who left Battle Mountain Sanitarium a week or two ago, came to Denver and out to my room and told me of this "investigation" and how it was conducted. This is merely reported to you in connection with what you stated about this investigation. This fellow told me that there appeared to be the greatest felicity between this fellow Frank E. Jones and the representatives of the board of managers that were with him. That they went arm in arm through the place and went through the wards and challenged each patient with, "Well, what have you got to kick about?" And if the man offered to say anything in the way of a complaint, Jones and the others would say, "Another kicker." He further stated that they held hearings behind closed doors in the chapel or picture show room. That they only let in one man at a time, and when through with him let him out, and call in another one, never allowing any spectators inside—nobody being inside but the committee and the man they happened to be questioning. That this fellow Jones was apparently the guest of the board of managers and was partaking of their courtesies and hospitality—and cigars.

With reference to how they investigated my report to you: When I left Battle Mountain I left two copies of my report with some of the fellows, and told them that I didn't expect to live long enough to see anything come of my report, since I was sinking very rapidly and did not expect to live more than a few weeks after I came to Denver. So I told them that if anything came up at Battle Mountain before the report was taken up in Washington that they might use it there, so I suppose some of them presented it before the investigating committee. But the committee nor anybody else ever communicated with me about it. I hope you may be able to find out whether these men—Walick, Lacey, and Yount—testified before the committee that my report was true. If they did support it, I leave it to your imagination as to the underlying cause of their getting the "gate."

Now, Mr. ANTHONY, investigations and court-martial proceedings are not new to me. Permit a moment's personal reference. I was in the Philippines when the famous "water-cure" cases were being tried and assisted in taking a great deal of the testimony. I was connected with the undertakings of courts of inquiry. I assisted in getting up the famous "Quartermaster Shop" cases, when graft was so thick that you could cut it with a butter knife. I've seen graft and grafters, crooks and crooked work, lies and liars. I have observed the tactics of all sorts of miscreants, both on the witness stand and off. And during my long connection with the Government service, coming in contact with a great deal of this sort of thing in investigations and trials, I may say that it has tended to develop a sort of sixth sense along this line. I've seen visionaries on the stand, taken their testimony; I've seen false charges run to earth, and have seen serious charges substantiated. And permit me to say that, in view of the foregoing, Mr. ANTHONY, I feel that my sense of perception, discrimination between the true and the false, has been sufficiently developed in the past to enable me to see a little deeper into things like the Battle Mountain incident than the average patient there. I have helped compile figures and statistics in cases like this before, and this, in addition to the experience cited above, leads me to reiterate with renewed emphasis every last syllable of my report to you of December 30, 1913. I have reached P. E. Holman by long-distance telephone, and he will be here to-morrow to make a sworn statement, supporting my report to you of December 30. He has offered to do it. The Mrs. Gilchrist, the very efficient nurse mentioned on page 19 of my report, was handed carbon copy of it, and she states it is true in every particular. She is in Denver, having resigned from Battle Mountain Sanitarium because of the unsatisfactory manner in which they were running things up there, so she says. Mr. Holman will see her to-morrow as soon as he gets here and get her statement. I will have Mr. Holman bring a notary here to my room, and I will swear to my statement to you of December 30, carbon (facsimile) copy of which I have here with me. These three sworn statements will be attached to this carbon copy, and all three of us will swear as to the truthfulness of the report and make the report a part of our sworn statements. This done, I shall have it mailed to you Monday afternoon by special delivery, so that you may

get it in Washington at the earliest possible moment. We have no Soldiers' Home money with which to defray traveling expenses, etc., like Maj. Wadsworth has, so please pardon our meager showing for promptness and our inability to come to Washington and lobby around, as Maj. Wadsworth appears to be doing.

In closing I should esteem it a great favor if you would kindly give me the address of this Frank E. Jones and ascertain what camp of the Spanish-American War Veterans he hails from, as I have a friend here who is in a position to ascertain whether this man Jones is acting in good faith with the veterans; and if not, I think maybe Mr. Jones will have a chance to either explain himself or accept employment with the Board of Managers of the National Home for Disabled Volunteer Soldiers. Imagine a judge of a court convicting or acquitting a man after the man had testified both for and against himself, and after the judge had been flatteringly with him, partaking of his hospitality, and smoking his cigars. This is indeed one of the strangest anomalies of these internal investigations conducted of the Board of Managers, by the Board of Managers, for the Board of Managers.

Yours, very truly,

WILFORD W. DAVIS.

ADAMS MEMORIAL HOME,  
Denver, Colo., January 29, 1914.

THE HON. DANIEL R. ANTHONY,  
House of Representatives, Washington, D. C.

DEAR SIR: Your kind letter of January 7, acknowledging receipt of mine of December 30, was received some time since. I am willing to admit that the subject upon which I addressed you—National Home for Disabled Volunteer Soldiers—is about as stale as the hackneyed "Philippine question" used to be, but at the same time I and a large number of my friends have been and are at the present time vitally interested in both of these old questions. Our participation in the solution of the Philippine unpleasantness unfortunately forced a lot of us into the National Home for Disabled Volunteer Soldiers later.

Mr. ANTHONY, if you only knew how the fellows are howling for the relief as proposed in your bill, I am sure you would just scratch up the grass around the Capitol in an endeavor to get your bill through. The despicably rotten conditions prevailing in some of these homes is enough to drive a man to the brink, if not to drink. I am inclosing copy of a letter I recently addressed to the governor and surgeon of the Battle Mountain Sanitarium, National Home for Disabled Volunteer Soldiers, which is self-explanatory. You will observe that I became a trifle facetious in this letter, but I felt that the exceptionally disgusting circumstances warranted me in departing to some extent from the straight and narrow path of conventional formalities. I have virtually bantered the governor of the Battle Mountain Sanitarium to boiler for an investigation in order to exonerate himself, but he is afraid of an investigation, so far as I am able to judge, for he knows that if an investigating committee were to wait upon him that he would get fired, just as the erstwhile Cochrane was fired from the Santa Monica Soldiers' Home about a year ago. Trusting that I may be favored with good news from you in reply, I remain,

WILFORD W. DAVIS.

ADAMS MEMORIAL HOME,  
Denver, Colo., January 29, 1914.

COL. JAMES A. MATTISON,  
Battle Mountain Sanitarium, Hot Springs, S. Dak.

DEAR SIR: You will probably not be able to recall me personally, but your records will, in all probability, show that I was an inmate of Battle Mountain Sanitarium from October 15 to December 30, 1913.

I had intended to address a few remarks to you at the time I left, but as I was suffering from a relapse and as I had been devoting my comfortable moments to a report, setting forth a few of the irregularities of Battle Mountain Sanitarium, to a Member of the House of Representatives, I was unable to write to you.

One would naturally expect that an ex-patient would write his doctor in appreciation of the treatment he had received; at any rate circumstances ought to warrant a patient in so doing. But I regret exceedingly that the present circumstances do not justify me in extending my appreciation. I would have written this earlier, but the "treatment" I got at Battle Mountain was such as to put me in bed, and I have been in bed ever since I left there, with the exception of the last two or three days.

If you wish to gain some idea of my opinion of the "treatment" I got while at Battle Mountain Sanitarium, and under your jurisdiction (I shall not say "care"), just read the coming issues of a little paper entitled "The Westgate News." I think you will find copies of this paper in circulation around your institution, and I think Capt. Milligan will be able to gather one up for your perusal. While the compositors may get a few of my figures a little twisted, still at the same time you will find the facts standing there in stately alignment, just like the ancient columns in front of the old Hall of Karnark.

But in addition to what may appear in the above-mentioned publication there are two or three other little matters which I should be pleased to bring to your attention. It is usual with me to indulge in nothing but the choicest of elegant expression, and I try to be guided by the rules laid down by the acknowledged masters of English diction. But I must confess that there is a time when patience ceases to be a virtue, and also it occasionally happens that one must express himself in such terms as may be thoroughly comprehended by his readers or his audience, and on such occasions it may now and then become expedient to depart from the straight and narrow path of classical prose diction; so, if you will please pardon me, I will "remove my coat" and be frank with you.

I think that if you can recall having seen me personally while I was a patient in the tubercular cottage at the sanitarium that I was usually in a cheerful mood; that I invariably carefully complied with all rules and regulations; and that our relations were courteous and polite, and that when I left, my discharge certificate bore the note: "No objection to his readmission is known to exist." So my record is without any blemish whatever.

I suffered intensely the last six weeks of my stay at Battle Mountain, but I think the doctors will recall that I said but little, for I knew that the temperature record would speak for me, but I found that the record "spoke to nobody"; at least, if it did, it fell on deaf ears. When I felt my pulse running like a mill race and my temperature seemingly well above the hundred mark, never once, not once, did either you or your subordinates ever say one word to me about it. My suspicions as to high pulse and temperature were several times confirmed by the nurse, who told me of an unusually high pulse and temperature, and I



heard the nurse tell you about it and I heard her tell Dr. Milligan about it. One day, when my side was cramping me so badly that I couldn't get a comfortable breath, I called you over to my bed and asked you to sound my side with your stethoscope. You hurriedly placed the instrument to my side and said, "Oh, yes, yes; moist rales," and before I could get my breath to tell you what misery I was in you had lubricatingly glided half way down the ward to the door. That same morning I took particular pains to note that you stood for 11 seconds staring into a vacant cupboard in my ward to see if the two blankets on the bottom shelf were properly folded. But you sounded the fever-parched lungs of a sick man just 6 seconds. Don't flinch at my exactness, for I had my watch under the cover and was observing you. I saw you spend from 2 to 10 minutes a day looking into cupboards and lockers, a thing the nurse could easily have done, while at the same time you only devoted from 5 to 8 seconds to the miserable, emaciated sick men in the same wards. You made a practice of this. I checked the time you were supposed to consult the fever charts before you should come into the wards, too. It usually took you 7 to 10 seconds to enter the chartroom and come out into the ward. This proves beyond peradventure that you never looked at anybody's chart before coming into the wards, a thing that no doctor with any regard for professional ethics would think of doing, and you know it. Dr. Milligan did identically the same thing; only he, if anything, was more abbreviated than you were. He would pay absolutely no attention to the nurse when she would tell him that go and so was running abnormal temperature and pulse. And if a man looked as if he were going to say something, Dr. Milligan expeditiously moved on. It is beyond me to understand how two doctors can possibly have the unmitigated effrontery to pass before a large number of intelligent sick men day after day with such an absurdly transparent showing of professional hypocrisy. Almost every man in the ward saw it and commented on it. I heard Frank H. Henderson try to tell you one day of the exceedingly sharp pains he was having in his back, and before he could hardly get the words out of his mouth you said, "Oh, yes, yes; how's your side?" and immediately you lubricatingly glided past him.

You will read in my printed letter where I stated that I had to ask you five times to operate on the tumor on my head before I finally got your attention, although you admitted in the first instance that the operation was expedient. In this connection permit me to say that the tumor is again showing signs of abnormal growth, which means that you did not kill the abnormal tissue, which would have easily been possible by the use of a little caustic acid. But instead of cauterizing the tissue you only jabbed a little probe around in there a few times—possibly you were suffering from "writer's cramp" that day, due to having signed so many special requisitions for apples for the tubercular patients (which they didn't get), which apples you had promised to get on so many occasions. When I'm thinking of nothing, I'm thinking of your promises. I never in my life was in a place where men had to be continually begging for things which were provided for them by regulation, but which they couldn't get without assuming a continual spirit of mendacity. No patient bothered you for anything not provided by the regulations. You were not restricted by any regulation or by a lack of funds (your F. Y. 1912 report shows that you turned back more than \$21,000), yet why was it that you had to be importuned to replace eggs when they would run out? Why was it that eggs were ever out? Why was it that such ration components as tomato ketchup, graham bread, apple butter, sirup, port wine (which the men had to have in taking raw eggs), and various other items were constantly running out? And why was it that the men had to howl before these items were replaced on the tables? No explanation was ever made. No questions supposed to be asked. And yet you had the effrontery to face those men day after day. You would come through the wards looking like a brass band on dress parade, but when a man tried to say anything to you, you would immediately make a noise like a "stop watch." Now, steady yourself and don't get excited. If I had as much of your gall as would cling to the tip end of a bumblebee's stinger, I would be the Czar of Russia in less time than it would take a Government mule to "boost" you up over the flagpole out there in front of your office. Now, please be comfortable, for I know you can stomach a great deal. Any man that can, month in and month out, ignore the importunities of a ward full of sick men to get them a barrel of sawdust to keep the dust down when the floors are swept, any man that can ignore that can stand most anything. I fancy that were Uncle Sam to ride up and hitch his mule to that flagpole that you could provide yourself with a barrel of whitewash a darned sight quicker than you provided the men in the tubercular cottage with a barrel of sawdust.

I do not expect that you or any other mediocre doctor can enhance a man's appetite, or that you can provide him with a new pair of lungs, or that you could put a new lining in his stomach, or that you could cure his pleurisy. Now, in the absence of your known inability to do these things, the only thing under heaven that you could do would have been to feed a man; but this was the thing which you stubbornly and persistently refused to do. Twenty-one cents a day for food for a sick man! Are you proud of it? Suppose the Mayo brothers knew of this. Suppose the Rockefeller Institute, of New York, knew this. Wouldn't they lean back and laugh with a loud guffaw? During the F. Y. 1912 you could have spent 37 cents a day for food for every patient severally instead of only 21 cents, had you only spent that \$21,000 that you turned back.

But right here lay your only opportunity of showing the board of managers that you had an excuse for holding your job, and that was by making a showing for saving—never mind whether you made a record for helping sick humanity. Are you proud of the record of the cases that have come and gone from the tubercular wards there during the past five or six months? Have you any records to show that you have been producing good results? There's Fred Culver, Frank H. Henderson, Henrysen, George Dunn, William Noel, George Cossboom, Morris Rosenfield, and a number of others, men who took the greatest care of themselves, but who steadily declined. And as to what these men think of you and your treatment, just write them and find out. What some of us really think would hardly look well spread out on this white paper.

Now, if I were feeling half-way well, I might write you a rather caustic letter, but, as it is, I will not say anything that might be calculated to hurt your feelings. So I am going to close, and submit the foregoing remarks to your own conscience and your innermost meditation. Remember that it is sick humanity that is speaking to you out of these written pages. It is the voice of not only one sick man, but the pleading of dozens, many hundreds, who have gone to you for treatment; gone to a man who Uncle Sam expects shall do his best for the men that ruined their lives and their health in an effort to serve Uncle Sam. Are you worthy of the trust Uncle Sam has reposed in you? Do you think that all the men who come to you for

treatment are sick on account of vicious habits? That was a very unkind cut of Maj. Wadsworth, when he said that most of the Spanish-American War men that entered the homes were there because of over-indulgences which had rendered them unable to take care of themselves. This is sweet consolation to a man after he has ruined his health while lying out in the mud in the Philippines and Cuba, trying to help defend the honor of the United States. Yet this Maj. Wadsworth was very loud in his ostentatious declarations about having a heart full of sympathy for us men. Simply because it now and then occurs that a man comes into the homes who is a wreck from vicious habits, this, to Maj. Wadsworth's mind, is sufficient grounds for branding a majority of them with the same odious charge.

It would hardly appear wise for me to offer any suggestions to you. But you know those homes were built for the accommodation of men in my condition, and you and some others were hired by Uncle Sam to take care of us, but through your vacillating procrastinating policy, we are unable to partake of the bounty provided for us by our faithful Uncle Sam. True, we could stay with you for a time, but, as has been the experience of many of us, we'd pay for it with our own life's blood, and nobody knows it any better than you do yourself. I say, in the name of sick, suffering men, come out of it! But, never mind, Colonel, there's usually a "calm before the storm." I would advise you to see to it well that your whitewash barrel is well filled. I have read some "very interesting" letters from Washington; at least they would be of great "interest" to you, no doubt. But, sit tight for the present, and keep your friends in Congress well lined up on the front page of the menus of Battle Mountain Sanitarium, and I am quite sure they will not desert you when the day of adversity comes upon you.

Yours, respectfully,

WILFORD W. DAVIS.

FORMER CHIEF ENGINEER A. L. NICHOLS MAKES DIRECT CHARGES AGAINST THE GOVERNOR OF THE WESTERN BRANCH HOME.

MILDRED, KANS., September 21, 1913.

HON. D. R. ANTHONY, JR.,

Member of Congress, Leavenworth, Kans.

MY DEAR MR. ANTHONY: By careful attention to the newspapers I have been able to learn the decision of the Board of Managers in the case I so recently presented to them at their recent session at the Western Branch.

When I appeared before them I believed it was the consensus of opinion among the various members, or at least a part of them, that a liberal coat of whitewash was to be applied to the responsible party. This was by intuition, if you will permit me to so describe it, hence I presented no other matters than directly affected the matter at issue.

Now, I am able to present the following charges and substantiate them if given the opportunity to do so before the proper authority. These charges apply to the commanding officer of the home, and while he may not be cognizant of the conditions charged, yet he, as the active managing officer, is derelict in his duties in that it is his business to know or find out these things, and were he not so unapproachable and so supercilious in his actions he would have found them out long ago:

1. He is entirely out of sympathy with the members and is harsh and unlenient with any members brought before him for minor infractions of the home rules.

2. Members of the home guard who are on police duty are required to work from 12 to 18 hours per day every day of the week. This is in violation of the law regulating hours of labor on Government work.

3. Women of ill repute have made their camp on the home grounds and preyed upon the members of the home, while no effort has been made to eject them from the home grounds or to protect the members.

4. Apparently no effort has been made to secure the cooperation of the State or county authorities in the protection of the members from the dangers which lurk along the "Pike."

5. He has shown discrimination among the civilian employees in various ways, among which are the permission to some employees of an inferior class to take their meals at the "noncommissioned officers' mess," while employees of a higher grade are required to eat at the general mess.

6. He conspired, in violation of an act of Congress, to erect additional buildings on the home grounds for the residence of civilian employees.

7. He has failed to secure the most economical and efficient operation of the home by discharging faithful and competent employees and substituting inexperienced and incompetent, who have failed signally in the performance of the duties assigned to them and yet are retained in the employ of the home.

8. He is not in harmony with the subordinate officers of the home and does not secure the hearty cooperation due the superior officer.

9. He has been guilty of permitting surgeons in the employ of the home to maintain offices in near-by cities and to spend a part of their time in these offices in the practice of medicine and surgery.

10. He as commanding officer is responsible for the conditions resulting from the recent invasion of bedbugs, as it was his duty to see that steps were taken to eradicate the evil upon being advised that the bugs were prevalent and to see that all filth was removed.

11. Members have been given the "gate" when their offense did not warrant such extreme penalties. He is vindictive to such an extent that the slightest crossing of his wishes results in the final discharge of employees and the "gate" for members who have been the cause of even a fancied grievance.

These, with probably some additional ones, are the charges I am prepared to submit, and I transmit them to you for your inspection and opinion thereon.

If in your opinion there be any chance to secure action, I am only too willing to go in and stay to the finish.

I have such credentials as would enable me to reach the ears of Senators REED, STONE, and THOMPSON with my story. Whether the story would interest them to such an extent as to enlist their support is a matter of opinion.

Very truly, yours,

A. L. NICHOLS.

A SAMPLE OF THE "TENDER" TREATMENT ACCORDED UNFORTUNATE VETERANS IN THE HAMPTON HOME.

Affidavit of John J. Swab concerning the Hampton (Va.) National Home for Disabled Volunteer Soldiers:

On or about the 27th of February past, as I was going into the Southern Branch of the National Home for Disabled Volunteer Soldiers at Phoebus—across the bridge from Phoebus to the home—I saw the



small wagon used as a patrol wagon backed up to the guard's house at aforesaid Phoenix bridge, and a large man, guard of the home, gave the sharp command, "Bring him out"; then the guards in charge brought out of the guardhouse a man, member of the home, whom I know as Norman, of Company "E." Norman was quiet, but appeared dazed by drink. Norman was led up to the wagon and very violently told to "get in." Norman put both hands on the wagon bed and prepared to get in, but being a heavy old man, dazed by drink, was slow, whereat the aforesaid powerful guard seized Norman by both knees and threw him into the wagon with great force and violence. I then passed the wagon, thinking Norman killed, but the guard quickly closed the rear of the wagon; however, I saw that Norman was bleeding from hurts there received. On the following Sunday I met the hospital steward and asked him how Norman was, he having been taken from the police station and from there to the hospital. The hospital steward told me that Norman had one ear nearly torn off, a bad cut on the temple, and one on the forehead; also that the doctor's report was that he had a concussion of the brain; that he was silly. I asked what the police report was; he said that the report was that Norman fell off the bench at the police station and injured himself so. I thereat told the hospital steward what I saw and told him how Norman was injured; he told me he would report the case so, but nothing came of it. Instances of guards' brutality are common, and this is a typical case, where, perhaps, the injury was greater than usual. These guards seem to be protected and encouraged in rough usage to the members of the "home" by their superiors.

I also wish to call attention to the semipenal character of the home. There are three gates to the home; at each gate at least two guards who closely scrutinize the pass of the member who wishes to go out or in. These passes are taken or withheld for trifling breaches of discipline. The guards have evidently hard and set instructions from their superiors. Also the food is poor, and the affiant often had nothing but bread and coffee for meals, while the Government appropriations are large and seem plenty, with a very poor table.

I have seen Gov. Knox severely reprimand a member for wearing tan shoes contrary to rules. Browbeating and general aggressive repressiveness are common. Many other instances can be cited, but I forbear.

[SEAL.]

JOHN J. SWAB.

MARCH 17, 1914.

STATE OF VIRGINIA, County of Elizabeth City, to wit:

I, W. H. Power, a notary public in and for the county aforesaid, in the State of Virginia, whose commission expires on the 30th day of November, 1915, do hereby certify that John J. Swab, whose name is signed to the foregoing writing, dated this 17th day of March, 1914, has sworn the same before me in my county aforesaid.

Given under my hand this 17th day of March, 1914.

[SEAL.]  
(No tax.)

W. H. POWER, Notary Public.

#### A TYPICAL APPEAL.

SAWTELLE, CAL., May 20, 1914.

CONGRESSMAN ANTHONY,  
Washington, D. C.

HONORED SIR: Pardon the liberty I take in addressing you, but feeling that you have the best interest of the disabled soldiers at heart I appeal to you in the name of humanity. Am suffering with pulmonary tuberculosis, without pension, and unable to do manual labor. Was a patient in Soldiers' Home Hospital, but was dropped from the rolls and ordered from the grounds on May 16, charged with "using insulting and insubordinate language to the surgeon." These are the exact words printed in the general order. I am innocent of this offense, as I could prove, but at my trial the governor refused to allow me to bring any witnesses for my defense. Even if I were guilty of the offense charged I claim that the punishment was contrary to the laws governing the national homes, since I am totally disabled and without means of support, and requiring medical treatment. I do not wish to be a charge upon the county, and appeal to you for redress. I refer you to my excellent record of service, covering a period of over five years in the Regular Army, and I have a perfectly clear record in the home, never before having been called to the governor's court. This is the first offense charged against me in the home. Hoping that you will see that justice is given me, I remain,

Yours, sincerely,

CHARLES W. BADGER.

Late Co. G, 17th U. S. Inf.; Co. L, 19th Inf.

Address, in care general delivery, Sawtelle, Cal.

#### VETERAN LIVES IN JAIL—PREFERS IT TO SOLDIERS' HOME.

[From the Los Angeles (Cal.) Herald, May 2, 1914.]

Preferring the county jail to life at the Soldiers' Home at Sawtelle, Lawrence Dunn, aged 82, has left the institution never to return of his own volition.

Dunn, who served four years in the Civil War and who is an old friend of Capt. George Gallagher, county jailer, applied for admission to the jail and a place to sleep 10 days ago. Sheriff Hammel gave special permission to admit Dunn, and he says he is enjoying his entertainment there better than the accommodations at the Soldiers' Home.

The old soldier declares that the regulations of the home made him unbearably miserable and that he would rather camp in the river bed than to return.

Dunn alleges that Gov. Barry denied him the privilege of spending his pension money, of which he has a balance of \$134.

#### AN APPEAL FROM THE MILWAUKEE WISCONSIN HOME.

NATIONAL HOME, WIS., April 15, 1914.

Congressman D. R. ANTHONY,  
Committee on Military Affairs, Washington, D. C.:

Questions supporting your bill:

Is Gov. Wheeler physically and mentally competent? Always sober? Chaplain Tisworth never visited sick. Was generally disliked. Why bring him back?

Why present commissary when all inspectors find him incompetent?

Why take decent quarters away from veteran bandmaster and allow civilian clerk officer's quarters?

Why so many civilian officers contrary to law?

Is entire medical staff graduate licensed physicians?

Why so economical with lights, etc., for veterans and not for officers? Should Col. Miller promote his personal friends? Give veterans a hearing or investigate all homes.

Help us.

See Congressman CARY.

VETERANS' ASSOCIATION.

#### STATEMENT OF CHARLES A. TAYLOR OF BAD FOOD AND OTHER BAD CONDITIONS AT NATIONAL SOLDIERS' HOME, HAMPTON, VA.

NATIONAL SOLDIERS' HOME,

HAMPTON, VA., February 18, 1914.

TO THE CHAIRMAN OF COMMITTEE  
INVESTIGATING NATIONAL SOLDIERS' HOMES,  
Washington, D. C.

DEAR SIR: At the request of many inmates of this home I am writing you concerning the condition of things here, which are fast becoming intolerable. We are pleased to note a movement to transfer the management of the homes to the War Department.

While there are several abuses here of which we justly complain, the more serious one is the quality and the quantity of the food served in the mess halls. Very many of the meals set before the inmates are so meager and unsubstantial that we, the inmates, in order to keep the body sufficiently nourished, are under the necessity of taking several meals each week—at least one per day—outside the home dining halls. For these meals we must pay from 20 to 35 cents. Now, it could be shown, we believe, that this scant feeding at the home tables is in accordance with a well-devised plan on the part of the home officials to compel the inmates, by force of circumstances, to leave a very liberal percentage of their pension money at the home store, hotel, and restaurant.

Color is given to this belief by the fact that about 30 days prior to the payment of pensions, notices are posted in all the barracks that credit at the hotel, store, or restaurant, to the amount of one month's pension, will be extended to pensioners who apply therefor. As soon as pensions are paid, all passes held by members of four nonactive companies, sometimes called convalescents, are annulled and the gates are closed against them for five days, thus compelling them to patronize the home hotel or to go hungry. This exceedingly unjust action of the home officials affects nearly 400 men. This necessity for additional and better food, we believe, is not only recognized and understood by the home officials, but we also believe that it is created and fostered by them; that it is to this necessity that the home hotel and restaurant cater, and on which they depend entirely for patronage.

The method of punishing inmates for trifling infractions of the home rules are brutal in some cases, degrading and humiliating to the offender.

The menial work which they are required to do under the guardianship of a squad of "home" police creates intense bitterness and resentment within the hearts of these old, bent, and crippled unfortunates.

Is this in keeping with Mr. Lincoln's expressed wish and purpose, "to care for him who shall have borne the battle?"

And then the method of holding up an inmate's pension, wholly or in part, for months is, we believe, without warrant of law. The scavenger work done about the home grounds by comrades who are hardly able to crawl about should be done by laborers hired for the purpose.

As evidence of my sincere interest in whatever concerns the veteran soldiers of the Civil War, permit me to say that I served in the Twelfth New York Infantry as a drummer, in the Twenty-fourth New York Infantry as a private and sergeant, in the Twenty-fourth New York Cavalry as a first lieutenant and as a captain. My father served as a captain in the Twenty-fourth New York Infantry, and as captain and major in the Twenty-fourth New York Cavalry. One of my brothers served as a lieutenant in the Forty-ninth New York Infantry, as a captain and major in the United States Signal Corps, serving on the staff of Gen. Hancock and later on the staff of Gen. J. A. Logan. Another brother served as a sergeant in the Twenty-fourth New York Infantry and was killed at Bull Run August 30, 1862. One of my sons served in the Third New York in the War with Spain and in the Fifteenth United States Infantry in the Philippines. I am a companion of the M. O. L. L. Commandery of New York.

I respectfully refer you to the Hon. L. W. Mott, Member of Congress, with whom I have been personally acquainted for many years.

Very respectfully,

CHAS. A. TAYLOR.

#### MORE INTERESTING DETAILS.

A Leavenworth newspaper of September 14, 1913, publishes these articles pertaining to conditions at the Leavenworth Soldiers' Home:

FORMER ENGINEER AT SOLDIERS' HOME TO SEE THE BOARD—MR. NICHOLS FEELS THAT HE WAS UNFAIRLY TREATED BY GOV. COOKE—HOW HIRED AND HOW FIRED—BOARD OF MANAGERS CAN UNDOUBTEDLY SECURE A VERY INTERESTING STORY FROM NICHOLS—OTHER EMPLOYEES VOUCH FOR HIM.

It is understood that Mr. A. L. Nichols, until a few months ago chief engineer at the Leavenworth Soldiers' Home, but now engineer in charge of a large steam plant at Mildred, Kans., will probably appear before the Board of Soldiers' Home Managers at their meeting to-day and ask for a full investigation by the board into the matter of his original appointment as chief engineer, and the methods used to force his resignation a few months ago.

When Mr. Nichols left the home he was given a testimonial, signed by the civilian employees and mechanics of the home, testifying to their high regard for him personally and to his ability as an engineer, although Gov. Cooke is said to have demanded his place, because he "was not securing sufficiently satisfactory results" from the antiquated boilers and steam-generating apparatus at the home in which oil is burned as fuel.

It seems that when Mr. Nichols was first appointed chief engineer at the home, the late J. H. Johns, a veteran soldier and former capable engineer at the home, was an applicant for reappointment. Capt. Johns has left a written statement that when he went to Gov. Cooke the governor promised to recommend him to the board, but said that the appointment lay entirely in the hands of the board of managers. When the matter was put up to Maj. Wadsworth and Maj. Warner of the board they assured him that the matter lay entirely in the hands of the governor through his recommendation to the board. Capt. Johns made the statement before he died that the board members undoubtedly followed the governor's recommendation, but that Gov. Cooke had "double crossed" him and Mr. Nichols of Kansas City received the appointment.

Now, Mr. Nichols' story of his appointment will undoubtedly be interesting to the board. He says that he lived in Kansas City and was not a candidate for the place until a Kansas City man named Jack Squires, an electrical contractor, who had done work at the home, asked him if he did not want the job of chief engineer at the Leavenworth Soldiers' Home, saying he could get it for him. It seems that Mr. Squires is a son-in-law of Gov. Cooke, and would naturally have considerable influence at the soldiers' home.



Mr. Nichols took the place, and from every employee and officer of the home, comes the statement that he filled it with great skill and satisfaction until, so Mr. Nichols's friends state, Gov. Cooke concluded to make a place for the present incumbent who was a college friend of a young son of Gov. Cooke. Mr. Nichols feels that these family considerations should not be permitted by the board of managers to cost him a position with the Government, which all claim he so well filled. It is believed that Mr. Nichols is entitled to justice and vindication at the hands of the board of managers.

**VETERAN SLOUGH CRITICIZES WORK AT HOME HOSPITAL—SAYS WAS COMPELLED TO LEAVE SOLDIERS' HOME TO GET PROPER FOOD AND TREATMENT—CROWDED OUT BY CIVILIANS—IF PHYSICAL CONDITION PERMITS, MR. SLOUGH WILL APPEAR BEFORE BOARD OF MANAGERS—STATES DOCTORS SPOKE OF VETERANS AS "VICTIMS."**

Another veteran who will appear before the Board of Soldiers' Home Managers at their meeting Sunday afternoon at 4 o'clock, if his physical condition will permit, is Fred H. Slough, a Spanish War veteran. Mr. Slough is now a patient at St. John's Hospital, Leavenworth, having been compelled to go there because of what he claims were unbearable conditions at the soldiers' home hospital, of which Dr. Fryer, Gov. Cooke's son-in-law, is chief surgeon. Should he not be able to appear personally before the board the sick veteran is preparing a statement which the board can secure if it so desires.

Mr. Slough stated to a Times representative that he was formerly a member of the Leavenworth Soldiers' Home, but was compelled by unpleasant conditions to voluntarily withdraw therefrom on August 15. Being a \$24 pensioner he was able to do this. It seems that Mr. Slough is suffering from catarrhal appendicitis and resulting appendicostomy, or an open wound in the abdomen. He was compelled to go to the soldiers' home hospital for treatment, but he says conditions were such that it put him in a highly nervous state and that in his delicate condition he needed plenty of milk and eggs and nourishing food suitable for an invalid and which he could not there secure. He says he and another veteran with a serious medical case were given a very comfortable room, but that finally the soldiers' home authorities ordered these two stricken soldiers out of the small room and into one of the large wards, where his condition grew steadily worse, and as he had lost in weight from 160 to 129 pounds he concluded to withdraw from the home and go to St. John's Hospital in Leavenworth, where the sisters would give him better care. And Mr. Slough says that he and the other sick soldier were removed from their private room in the hospital because the authorities desired to and did turn the room over to two civilian employees of the home who were being treated in the hospital.

It seems that one of the things that made Mr. Slough extremely nervous was that his room was next to the doctor's room where sick veterans were received for treatment, and he says that as one veteran would go out he would hear the doctor say to his assistant, "Send in the next victim."

It would certainly seem as if the story told by Mr. Slough was serious enough to receive careful investigation at the hands of the Board of Managers.

**VETERAN REPORTS BEDBUGS THICK—WHILE NURSING, HE WAS OFTEN CALLED UPON BY SICK PATIENTS TO KILL THEM.**

The Times is in receipt of two communications from the soldiers' home bearing upon the expected investigation there to-day. One is from a former nurse in the hospital, and tells of a bad condition there. It is as follows:

*Editor of the Times:*

I take pleasure in thanking you for publishing the story which you did in your issue of September 9. I positively assure you of the truth of same, especially in reference to bedbugs. I will say that a few weeks ago, before the hospital wards and barrack buildings were fumigated, which has just recently been done, I myself, six weeks ago, was night nurse (male). One of my patients (paralyzed), when I would go to his bed at 12 o'clock to turn him over, I could scrape the bedbugs off his pillow. Many and many's the time he called me to kill them. He had to buy a skull cap to keep them off.

I suppose that after the ladies you mentioned spoke of bedbugs they had to get to work.

If a man is able bodied, he need not have bedbugs, because he can use the different disinfectants which are furnished him, or can buy some remedy or may scald the bed. But the sick patients can not do that, and the female nurses keep the male help doing so much of this work that a man simply can not keep the beds clean and do other things he is told to do.

ONE WHO KNOWS.

**NATIONAL SOLDIERS' HOME, September 11, 1913.**

The other correspondent appears to be unduly suspicious of the board of managers and doubtful of its accomplishing anything. He expresses his doubts in verse, as follows:

**BOARD MAY INVESTIGATE.**

The board of managers comes,  
Old vets will fix them now.  
The band, it plays, and the drums  
Go "ripety-rip, bow wow."  
The board of managers comes,  
They drink their wine and they wink,  
When the old vet tells his tale of woe;  
Then they take another drink.  
The board of managers goes,  
The old vet gets the gate.  
What they have done the devil knows,  
God never enters the gate.

DIAMOND HITCH.

**NATIONAL SOLDIERS' HOME, September 12, 1913.**

LETTER AND NEWSPAPER CLIPPINGS FROM GRANT KRESLER, SAWTELLE, CAL., IN REGARD TO CONDITIONS IN TUBERCULAR WARD AT SOLDIERS' HOME IN CALIFORNIA.

HAMILTON S. HAWKINS CAMP,  
United Spanish War Veterans.

Hon. D. R. ANTHONY, Jr.,  
Washington, D. C.

DEAR SIR: On account of our mutual desire to have the national soldiers' homes under the care of the War Department, I take the liberty of sending the inclosed clippings from the Westgate News, the truth of which I can vouch for, and, if necessary, prove by affidavits.

Since the homes are expected to care for at least 400 tubercular members yearly, and a large majority of these being Spanish War veterans in the prime of life, special provision should be made by the Government for this class of patients, many of whom have a chance to recover if given the proper care and treatment.

Having at one time been a patient in the soldier's home hospital, and having lived in close proximity to it during the past 10 years, I can make affidavit that I have never seen anyone cured of tuberculosis there, nor have I ever heard of anyone being cured in any other national home. In fact, on account of adverse conditions, all who come here for treatment give up the fight at the outset and hopelessly wait for certain death, in some cases taking much longer than others. The officers of this home, in order to cover up their deficiencies, pursue a method of intimidation toward the members, and threaten dire vengeance upon any who protest. Maj. Hayden, the surgeon, being the worst offender in this respect. I have been asked by my comrades there to take this matter up with you in their behalf, and I trust I may enlist your sympathy.

Very sincerely,

GRANT KRESLER,  
Box 596, Sactelle, Cal.

**A PLEA FOR BETTER TREATMENT OF TUBERCULAR PATIENTS AT THE PACIFIC BRANCH SOLDIERS' HOME.**

Although no absolute specific has yet been discovered to cure the great white plague, still all reputable physicians agree that plenty of good nourishment, fresh air, and rest will invariably cause improvement and in incipient cases cure this disease. What is the record of the tubercular ward at the soldiers' home? Like in Dante's Inferno, all who enter here leave hope behind. And why? Because of the failure in the first essential of providing proper nourishment to the patients. The standard bill of fare for all is composed of rough food of poor selection, such as is furnished in camps to the laboring class, and hardly fit for consumption by these patients, who almost invariably have a combination of ailments in the digestive tract.

The food is sufficient in quantity but poor in quality and cooked execrably.

The meat is generally the poorest cuts, the eggs of the cold-storage variety, the milk has but a small percentage of butter fats, and there is a total lack of fresh vegetables, an article of diet which should be furnished in abundance since it is healthful and cheap.

The cook is an old lady in her dotage, who should be in an old ladies' home rather than attempting something for which she is absolutely unqualified, having had no previous experience cooking for invalids.

Because the board of managers considered \$35 per month ample wage for a cook, she was given the position, and is kept, although proven incapable, for fear that none better could be procured at this price.

At the recent congressional investigation Senator JONES remarked that if competent employees could not be obtained at the present scale of wages the board of managers should raise the scale.

This is a liberal Government, and really means that every soldier shall have the best care and attention that money can procure, but the soldiers have to thank the board of managers for this present method of false economy, backed up by a chief surgeon who is willing to sacrifice professional honor in order to hold his job, since he knows that conditions should be otherwise, and it is in his power to recommend sweeping changes for the better.

ONE WHO KNOWS.

GOOD, CLEAN FOOD; RICH, RED BLOOD.

Since it is an established fact that an abundance of good nourishing food is absolutely essential in the treatment of tuberculosis, good, red blood being necessary to fight the inroads of the tubercular bacilli, how can a surgeon in charge allow the existing conditions at the soldiers' home?

Picture to yourself bedfast patients being served corn beef and cabbage or food equally unpalatable and cooked after a fashion in vogue at the 5-cent restaurants. Is it a wonder that their stomachs rebel and that they give up the fight for life? The records show that 90 per cent of those who go to bed die. In spite of a letter signed by all the patients and sent to the surgeon in charge asking for a better cook and better food, the present incumbent feels so sure of her position that she has presumed to insult patients, and claims that she is the major surgeon's pet and that no influence can have her removed. Individual patients have gone to the surgeon with complaints, but instead of receiving redress they have been threatened with dire punishment, and some have been sent to another ward in the hospital, although the surgeon contends that tuberculosis is contagious and infectious, and denies the patients the library privilege on that account.

It is apparent that complaints from patients are useless. Now, what recourse is left? Appeals to the board of managers would be returned for investigation, and we would have the usual farce of the officers investigating their own misdemeanors.

They would fix up a few good meals and have them inspected, and then whitewash all charges. My contention is that since free sanitariums are being erected in every State in the Union, there being six such in this State, where any persons can receive the best care and treatment free, since the best physicians in the vicinity render their services gratis, why can not the Federal Government recognize that they owe a debt to these men and give them at least as good care and treatment as the ordinary citizen can get outside the home for nothing? I claim that the food should be bought separately from the general mess for the tubercular ward and sent direct from the quartermaster's department and not, as at present, be first sent to the hospital kitchen and then doled out at the pleasure of those in charge there, they naturally keeping the most desirable portion for their own mess.

ONE WHO KNOWS.

THE OFFICIAL REPORT OF THE BOARD TO CONGRESS NEVER TELLS SUCH THINGS AS THESE.

The annual report made to Congress by the board of managers carefully suppresses the complaints made by the soldiers against the management. A perusal of this volume would give the innocent reader the idea that the homes are but little short of a heaven on earth, and the local officials in their reports take pains to scratch each other's backs with mutual commendations. But the following article from a local newspaper describing the events which transpired at the meeting in September, 1913, of the board at the Leavenworth Branch



Home will give some insight into real conditions. Previous publicity was the only reason why the board permitted itself to give this extended hearing, and the only reason the veterans appeared before the board instead of being deterred by the usual fear of being afterwards "given the gate" was because of the previous assurance by the board that men who appeared would be protected from the vengeance of local officials.

As a result of the bedbug exposure the chief surgeon of the home was discharged. This action of the board has been severely criticized, because the executive head of the home was said to be primarily responsible for failure to make proper inspection of conditions. The former surgeon is an exceptionally competent medical practitioner. He had been in the Government service for about 13 years, and, it is understood, his appointment was made through the influence of Gov. Cooke. His father-in-law, who was then a member of the board of managers.

Here is the story of this one session of the board at the Leavenworth Branch:

**BOARD OF MANAGERS HEARS MANY COMPLAINTS OF CONDITIONS AT INSTITUTION HERE—GOV. COOKE UNDER FIRE—CHARGED HE DISMISSED NICHOLS AND HIRED INCOMPETENT MAN AS ENGINEER—SYLVESTER, "GIVEN THE GATE," TO BE READMITTED.**

The Board of Managers of the Soldiers' Home last night completed its annual inspection of the Leavenworth Branch. The board arrived Sunday noon, and in a short time completed its routine inspection of barracks, mess hall, and other departments.

At 4 o'clock in the afternoon the board convened to hear complaints. It adjourned at 8 o'clock, and not one-sixth of the complaints had been heard.

#### MANY CHARGES MADE.

At 2 o'clock yesterday afternoon the board convened again, and listened until 6 to complaints made by veterans of bedbugs and other unsatisfactory conditions in the hospital, of summary dismissal of members without money or means for subsistence, unfair treatment at the mess, discrimination by the head matron at the mess hall, cursing of colored members by an official, a "Jim Crow" rule, and last, but not least, juggling of appointments to suit the wishes of Gov. Sidney G. Cooke, despite protests of other officials to whom the governor's appointees are directly responsible. For the first time in the board's history a newspaper man was present at a hearing.

In all, 21 veterans and citizens appeared before the board, the largest number of protests ever heard by the board of managers at any institution in the United States, according to a statement made by Franklin Murphy, ex-governor of New Jersey and vice president of the board. Not only did veterans testify as to the unsatisfactory conditions, but Mrs. J. J. Edie and Mrs. James Duffy, of this city, appeared voluntarily to testify concerning bedbugs in the hospital, which, according to their description, fairly swarmed in certain wards.

The number and seriousness of the charges made it impossible for the board to pass judgment on all cases until a more thorough investigation is made. So Col. James E. Miller, inspector general and chief surgeon, will remain here an indefinite time, probing into the various complaints.

However, the case of Marcus Sylvester, a Civil War veteran, summarily "given the gate" by Gov. Cooke about a week ago, was so pitiful that before leaving the board instructed Sylvester to make application for readmission. When discharged, Sylvester was penniless and was forced to live off the kindness of Leavenworth citizens. His "crime" had been to write a letter to the Pension Bureau in Washington asking the reason for delay in his pension and intimating it was held up by home authorities so they might get the interest.

While it has not been officially announced that charges other than the dismissal of Maj. Fryer will follow the investigation, there is little doubt a shake-up in the mess hall will be made before Col. Miller leaves, the allegations of veterans concerning discrimination and harsh treatment being so vehement. Members of the board intimated at various times during the hearing such a step was contemplated.

Although the board showed every kindness toward the complainants, several of the feeble and tottering old men showed timidity and talked in a rambling, almost incoherent manner. A suggestion has been made that in the future an attorney, or "first friend," be retained to present each case to the board in a terse, businesslike manner.

#### GOVERNOR ACCUSED.

The most sensational revelation of Gov. Cooke's alleged despotism was made during the hearing of A. L. Nichols, of Mildred, Kans., formerly chief engineer, discharged by Gov. Cooke. It was proved that Gov. Cooke employed as Nichols's successor a man described by Capt. C. M. Pearsoll to the board of managers as "incompetent, insubordinate, and lazy."

Furthermore, Capt. Pearsoll, differing from other officials, excepting the treasurer, is under bond and responsible in a monetary way for the actions of men in his department. Yet, despite Capt. Pearsoll's apprehension and his sincere belief that Mr. Nichols was the most competent engineer ever in his employ, Gov. Cooke arbitrarily discharged him and appointed an "incompetent, insubordinate, and lazy" man.

Primarily Nichols was discharged because he had used too much heating oil. Nichols presented figures showing the consumption during the months that he had acted as engineer and the consumption during similar months a year previous, when his predecessor was in charge. In many months his figures, taken from the quartermaster's report, showed a decided decrease, and in only one month was there a noticeable increase.

#### NO ACTION TAKEN.

Nichols declared, and Capt. Pearsoll substantiated his declarations, to the board that the increase during that month was caused by a defective heater, which caused the building to be heated by live steam run through the pipes and necessitating, as is well known, much more fuel consumption.

While the board listened attentively, it showed no disposition to right matters, and before leaving Maj. Wadsworth announced Nichols's dismissal was final. The matter of retaining and discharging employees laid entirely in the hands of the governor, he said.

If Capt. Pearsoll wished to retain Nichols, he should have appeared before the board before his dismissal. As yet no officer at the home has had the temerity to cross the governor in any matter of this kind.

Nichols was first to appear before the board. His reasons for desiring an audience, he said, was that he wished an investigation as to the reason for his dismissal.

#### NO REASON, SAYS NICHOLS.

"That reason has been given," said Maj. James W. Wadsworth, president of the board.

"Not in my estimation," retorted Nichols.

"Retaining and discharging men is left to the governor and heads of various departments," said Maj. Wadsworth. "In your case it was left to Gov. Cooke and the quartermaster. That's all the board knows."

"According to my understanding my resignation was not asked by the quartermaster."

"You were discharged for using too much fuel oil," said Maj. Wadsworth, "and there were other incidents cited."

"I realize that, sir; but under conditions as they were it could not be averted. The heater was defective, and my only alternative was to keep the institution warmed by live steam, which, necessarily, would consume more oil. I explained the matter to the proper officials and asked at what temperature I might keep the various buildings. They told me, and I complied with their demands."

Here Maj. Wadsworth explained the board's position, saying that while it had supreme power over the governor, yet in such instances it was necessary for the board to give the governor leeway. It was in this case to the best interests of the home that the governor's recommendations be upheld.

#### WRECKED A PLANT.

"But the retaining of this man will not be to the best interests of the home," said Nichols. "An investigation into the operation of the ice plant will prove that. The present man is incompetent and inexperienced. He was employed as an assistant under me, and his work was so unsatisfactory that I was obliged to release him."

"Did you discharge him?"

"No, sir; but I obtained a position for him outside of the home, and six months later he left the plant he was in charge of a total wreck; that is, the light and heating plant at Salina."

"In regard to the ice plant, while I was in charge 7,500 pounds of ice were turned out daily. Shortly before discharged 30 more freezing cans were installed and a larger output made possible. Yet such has not been the case."

#### CITES FIGURES.

Nichols then presented the quartermaster's report concerning the consumption of fuel oil. He read to the board the amount of oil used certain months in 1911, when his predecessor was in charge, and the consumption during the same months when he was engineer. This report follows:

	1911	1912
	Gallons.	Gallons.
July.....	102,124	75,125
August.....	84,664	57,876
September.....	102,845	105,771
October.....	148,746	190,890
November.....	210,833	209,833
December.....	284,477	322,302

It was during December the heater was out of order.

The board made an ineffectual attempt to learn just what reasons other than for the good of the home Gov. Cooke had for discharging Nichols. It was stated by Nichols that he had heard that a college friendship between the governor's son and the chief engineer was responsible for his discharge. This Gov. Cooke later denied. That the governor contemplated his dismissal long before the consumption of fuel oil was thought of is firmly believed by Nichols. This belief is held by Nichols because of Gov. Cooke's alleged eagerness to move a house onto the grounds for certain employees, among whom is Russell, who had no home furnished him and who was working only on a small salary.

#### GOVERNOR TESTIFIES.

After Mr. Nichols retired Gov. Cooke and Capt. Pearsoll were summoned. Gov. Cooke was asked the reasons for Nichols's discharge.

Lack of a technical education, too much laxity in consumption of fuel, and carelessness were the general reasons for Nichols's dismissal, the governor affirmed. He did not pay enough attention to outside temperatures, said the governor, and kept up the same temperatures within, whether it was cold or warm outside. Gov. Cooke cited an instance where a fireman had been found asleep on duty, and Nichols defended him. The man was retained, and again found asleep. One or two other trifling incidents were recited by the governor.

"Did you talk to the quartermaster of Nichols's service?" asked Maj. Warner, of Kansas City.

"It was my impression that the quartermaster approved Nichols's service and thought him a good man."

Here Capt. Pearsoll interposed. There was some excuse for the excessive consumption, he thought, because an inferior heater had been installed by the engineer preceding Mr. Nichols.

"My prime objection to the new man is that he had been insubordinate to me, and in my opinion is incompetent and lazy."

#### FOR "HARMONY."

Then began an argument as to whether the governor or quartermaster should have the power of dismissal. Ex-Gov. Franklin Murphy contended that as the quartermaster was under bond for the engineer's actions he should be consulted in such matters, and while the governor also should have voice and was directly responsible to the board, yet they should act in harmony.

Gov. Cooke retorted to this and declared if he was head of the institution he wanted to be in complete charge. Capt. Pearsoll hastily informed the board that he always had tried to act in harmony with the governor.

Mrs. Edie and Mrs. Duffy, with their bedbug story, were the next to appear. Their stories were the same in general details. Mrs. Duffy's husband, a veteran partially paralyzed, entered the hospital in June.

When they visited him they saw two beds in his ward nearly alive with the vermin, they stated, and there were blood stains on the sheets where the bugs had been mashed by a woman cleaning the wards. Mr. Duffy's back was raw from bites, and when they removed him a few weeks later his mental condition was much worse.

"The medicine or something was causing him to lose his mind," said Mrs. Duffy.



## DR. FRYER SUMMONED.

Maj. Fryer was then summoned before the board. He admitted there were bugs in that ward at that time, but declared the women's statements were somewhat overdrawn. He had done all in his power to rid the ward of the pests, he testified. The surgeon in charge of the ward was then called. He also admitted the presence of bugs, and declared it was infested when he took charge. Almost five months were consumed before they were killed.

After the two surgeons left, Col. Miller addressed the board, averring that such a condition was unprecedented, and he could not see why the bugs could not have been killed in a much shorter time. He knew that shortly after an assistant inspector reported them the bugs disappeared entirely. And a thorough inspection made since his arrival showed they were no longer in existence.

## JOINER'S STORY.

Marshall Joiner, the Spanish-American War veteran who was "given the gate" because he wrote letters to President Wilson regarding alleged unfair treatment at the hands of Gov. Cooke, next appeared. He asked the board for an honorable discharge from the home, alleging that he had been unfairly treated by certain officials, especially Anna Malinowski, matron of the general mess hall. It was the matron, he said, who had "got the gate" for him. He had been arrested and tried before Gov. Cooke in "his kangaroo court."

"What is a kangaroo court?" asked Maj. Warner.

"Where the judge is accused and tries himself," retorted Joiner.

"Anna Malinowski is the real governor of the home," he declared. "She gets the gate for anyone she gets it in for."

He asked for witnesses to prove his statements. Waitresses, nurses, dining-hall officials, and old veterans were summoned.

Joiner's object was to show that he was kind to old veterans while in the hospital, and the patients in his ward had asked that he be given a position as ward man. He accused Maj. Fryer of holding up his appointment to the coveted position. He was in the hospital, according to Dr. Matz's testimony, for observation as to his mental condition. He proved, however, that the veterans in his ward wanted him for their ward man.

Then he asked other witnesses, old veterans, if in past years Anna Malinowski did not sell whisky to them and play cards with them in a joint on the "pike." This was agreed, and Miss Malinowski also admitted that in past years the home in which she lived was used as a joint. Furthermore, Joiner produced testimony from girls now in the hospital and restaurant that they left the mess hall because Miss Malinowski made it hard for them.

## ALL KINDS OF CHARGES.

Complaints of nearly every description were lodged against the officials, including discrimination in giving employment to civilians in preference to veterans who are fitted for the work, cruelty in the hospital, etc.

## THE HAMPTON HOME.

The following description of the national home at Hampton, Va., recently appeared in the Norfolk Daily News; it is typical of conditions in most of the homes:

## AN OLD SOLDIER PROTESTS.

EDITOR, THE NEWS.

Sir: The reunion at Gettysburg has made a great many people think more about the "old soldier" than they are in the habit of doing; and I think that some information about the Southern Branch of the National Soldiers' Home will be welcomed by those who want to be just to the men who fought in the war of the sixties.

Enough money is probably appropriated for the men who are at the home in Hampton, but the funds are not properly divided. The officers get too much and the "beneficiaries of Government bounty" get too little. The number of prior choices make the soldier's share a "Hobson's choice." I may not be exactly accurate in the figures which I give, but they are not much out of the way. First, to consider the actual overhead:

Hon. Franklin Murphy, local manager.—Railroad fare, Pullman sleepers, hotel expenses for at least two trips a year to Hampton, Va.; Johnson City, Tenn.; Leavenworth, Kans.; Danville, Ill.; Marion, Ind.; Milwaukee, Wis.; Togus, Me.; Santa Monica, Cal.; and Washington. This outlay is a big treat at Government expense, while the real work has been done by two officials, President J. W. Wadsworth and Maj. Moses Harris, who each get about \$5,000 apiece per year.

An expensive office is maintained at New York City, with a force to do the clerical work. The expense attendant on the New York office and trips for the sight-seeing board, together with salaries for inspectors and clerical hire, will probably approximate \$60,000 to \$70,000 a year. The system seems to require much clerical work in developing records for the "nesting of dishes," vital statistics, discipline, police court records, inspections—weekly, monthly, and otherwise—red cards, special passes for erring brethren who need consolations in the Phoebe art saloons, where special affection is displayed for old veterans.

This system and its various ramifications have apparently stood the test of time, and you may say "it is time tried and fire tested" and is really essential to the proper digestion and preparation of such food and toothsome luxuries as the honorable board and indulgent governor now at the helm of the Southern Branch, viz. Col. T. T. Knox, may at their discretion provide. At this point it is best not to overlook the qualities, experience, and usefulness of Maj. Mose Harris. His very delicate modesty prevents his shining publicity in the galaxy of unknown but genuine stars. His absence from the performance of board duties would be a sad loss to the home mess hall and kitchen.

Then come the local staff with their emoluments.

## GOV. KNOX AND STAFF.

Gov. Col. T. T. Knox (retired), born in Tennessee July 3, 1849; cadet July 1, 1867; June, 1871, second Lieutenant of Cavalry; July, 1898, transferred to Inspector General's Department, so continued until April 13, 1903, when retired; yearly pay, \$3,850. Pay as governor, about \$3,000. Total Government pay, about \$6,850. Estimated amount of money value for free house rent, about 12 rooms furnished, free heat, light, free horse and carriage and horse feed, free vegetable garden, free flowers, \$1,500. Grand total, \$8,350. In addition thereto may be added the privilege of first choice of all meat cuts, milk and cream, vegetables and groceries at Government prices, which amounts to no inconsiderable sum of money for a family in the course of a year, particularly such a prominent family as that of Col. Knox.

Maj. F. E. Skinner, treasurer.—The major, who is a civilian, is provided with an abundant force to do all and singular his work of record-

ing of the financial end of the local institution. The major is probably paid about \$2,000 per annum for assisting in "bossing" the job. His other perquisites, the use of a dwelling house of about 9 rooms, furnished, with free heat, free light, free horse and carriage. His other monetary values are involved in the next choice of meat cuts, milk and cream, vegetables, and groceries at Government prices. The major is raising young America, and his perquisites all told may average about \$1,500 per annum. Approximately, a good \$3,500 job.

Maj. L. A. Thompson, surgeon.—In charge of the hospital, about a \$2,500 salary. Residence of 8 or 10 rooms furnished. He enjoys free heat, free light, and the right to a free horse; prefers his own automobile. A Spanish-American soldier about 45 years old. Next on the meat cuts, milk and cream, vegetables, and groceries at Government prices.

Capt. D. C. Spencer, quartermaster.—Citizen and about 50 years old. Salary about \$2,000. House of about 8 or 9 rooms, furnished. Free heat, free light, horse. Next cut of meats, milk and cream, vegetables, and groceries at Government prices. The captain's position may be rated at about \$2,750 annual worth.

Capt. E. B. White, commissary of subsistence and superintendent of post fund.—Annual salary about \$1,800. House, 8 or 9 rooms, furnished. Free heat, free light, horse. Next cut of meats, milk and cream, vegetables, and groceries at Government prices. The annual worth of his job might reach about \$2,250.

Capt. Luther M. Parker, adjutant and inspector.—A youngish man from Tennessee. Salary about \$1,500 per annum. Notwithstanding the fact that the captain is a handsome bachelor, he has the use of a furnished house of about seven rooms all by himself. He has, of course, free heat and free light. What other perquisites he enjoys we are unable to say, but of course he eats same as other men, probably in some special mess where they may come in for the next choice of meat cuts and such like. Probably his perquisites are equal to his salary.

Rev. J. Martyn Neifert, chaplain.—About \$150 per month. House eight or nine rooms and usual facilities; said to be a popular man.

Capt. A. W. Bartel, senior assistant surgeon.—Salary, etc., \$2,000. Has furnished rooms for housekeeping in hospital building.

It must be understood that all of these private dwellings in the home are well provided with baths, hot and cold water, with regulation toilet facilities, sanitary in all respects. That the private members on the governor's special staff, otherwise known as the "dump brigade," clean daily all refuse and accumulation from kitchens, and other dirt.

The hospital staff includes three young men (single men), who have quarters in the hospital building and are in a special mess with other drug men. The "practice" goes largely by "numbers," and the sailing is usually easy and unruffled, with frequent chances for "cat naps" in midday. Old soldiers, as a rule, are supposed to have and hold the same line of ailments, however. An occasional amputation varies the monotony of hospital practice for the young M. D.'s.

Mr. Ideal, chief engineer.—A young civilian; occupies a seven or eight room house; free heat, free light, commissary prices. Probably \$1,800 or \$2,000 man.

Mr. Long, a department head.—Young civilian; lives in a six or seven room house; free heat, free light, commissary prices. Likely a \$1,200 man.

Home hotel and home restaurant buy their supplies from the home commissary at home prices. These two places are run for profit and not for unselfish purposes.

Noncommissioned officers' mess of about 60 members, who have the right of buying in the home commissary.

Now, this is the biography of the man in the home, the "old soldier," toward whom the country is displaying its appreciation.

Private Shorty, Company Q, Two hundredth Indiana Volunteers.—This biography, history, and information would not be complete without some reference to the aforesaid soldier; in fact, there are several hundreds of "Shorties" in this camp.

He comes from Pennsylvania, New York, Ohio, Maryland, Delaware, New Jersey, Connecticut, Massachusetts, and from all over this vast land which his valor and patriotism annealed into the greatest Government monument on the face of the earth. Shorty has always been very modest about his claims on this Nation; in fact, he has almost let his mortgage right go by default.

In view of the number of families and people who seem to have, hold, and enjoy rights of priority in the commissary department as to first cuts of all meats, milk and cream, vegetables, and groceries, the "Shorties" in this institution, when seated in the general mess hall, are always "short" on choice cuts, fresh vegetables, and such like, all of which are bought for and charged to their account. Somebody seems to think that canned goods, old, rotten potatoes, and roasted bones, gristle, scraps, cheapest dried fruits which Hampton can scrape up, and everything of the cheapest grade will do to throw to these old American soldiers.

What a wonderful reading to our old boys in blue the Gettysburg bill of fare, for instance, the Fourth of July "eatings"—puffed rice, fried eggs, fried bacon, creamed potatoes, chicken fricassee, peas, corn, ice cream, cakes, cigars, fresh bread, coffee, iced tea, salmon salad, macaroni and cheese—and for the other days, beefsteak, fried onions, sliced tomatoes, roast beef, mashed potatoes, boiled rice and milk, rice pudding, baked sweet potatoes, and other "cookings" equally as good will be served. Mr. Shorty, if those eatables can be served at Gettysburg, they can likewise be served on the tables of your general mess hall; you must get busy and go back into politics, get your committees, get your leaders, get your hands on the parasites and leeches, if you would go and leave the institution, what use would there be for the "first-cuts-and-milk-and-cream people"?

Mr. Shorty, what does the average mechanic, clerk, and bookkeeper make? Anywhere from \$500 to \$800 per annum, out of which he must pay rent, doctors' bills, light and heat, and also full market price for all cuts of meats, milk and cream, vegetables, and groceries. And now, Mr. Shorty, why should not Gov. Knox pay rent for his 12-room house and cream, vegetables, and groceries in the outside markets, paying full price, just the same as all American citizens are now doing? Why should not his staff do the same thing? Why should this extra money be given to these people when all the camp "Shorties" are compelled to be satisfied with boiled and roasted bones, gristle, scraps, old rotten potatoes, and the very cheapest grades of canned and dried fruits and vegetables? What wonderful services has Gov. Knox and his staff rendered in order to entitle them to more than double pay? Not in saving this Nation. Not because they are experts; Lord save the mark. Could these people make such big money outside of this camp? Not on your life, Shorty; they would get lost in the great American scramble for wealth and existence; yet perform they must be taken care of, and that at your detriment mainly. Shorty, your comfort, health, and rights requires that the kitchen be remodeled with modern appliances, up-to-date service in preparing the meals, with



the best meats—no cuts out—fresh vegetables, first-class groceries, and all the necessary "fixings" in order to furnish palatable and nutritious food for men whose ages range from 65 to 85 years of age. You are entitled to all this and more, while Gov. Knox and his staff are not entitled to what they receive in pay and perquisites. Shorty, these conditions are an outrage on you. You are not the slave of the Board of Managers and Gov. Knox. Your rights are inherent and theirs are not. They are your servants and not your masters.

ONE PRIVATE SHORTY.

ALL APPEALING TO CONGRESS.

[From the Westgate News.]

The following able analysis of conditions at the homes is being mailed to Senators and Representatives in Congress:

DEAR SIR: Believing you to be an honorable, public-spirited man with the good of your constituents and your country's interests at heart, I am taking the liberty of addressing to you this communication, asking for your help and cooperation in a matter of the most vital interest and importance to not only my comrades here in misery with myself, but also for our grand country at large.

The subject I respectfully wish to call your attention to is an old one, which has been clamoring for the attention of Congress for these many years and which has to do with the National Homes for the Disabled Volunteer Soldiers being administered by a close corporation known as the board of managers and brought into existence by an act of Congress of March 21, 1866.

Now, honorable sir, while I, or anyone else for that matter, have never had the slightest doubt that the people of this glorious Republic, through their Representatives in Congress, had, because of their wonderful generosity and love of justice and fair play, provided the national homes for the succor and treatment of the valiant men now suffering from the disabilities their valor and patriotism had brought upon them, which made this Commonwealth possible, yet the wisdom of giving the power to a close corporation to administer the affairs of the soldiers' homes is questioned by a great number of people. Experience has proven beyond a shadow of doubt that the experiment has proven to be an absolute failure. The truth of this Congress and the people as a whole know very little, if anything, about, for the reason that the board of managers have in the dark but have actually been able to defeat, through their supporters in Congress, every effort to deprive them of their power.

The board of managers, although they pose in public as being great love and labor patriots, serving the veterans free gratis, have again and again, as indicated by the discussion on the floor of Congress, resisted every attempt to demote them or even to reduce their number. This is evidenced by the fact that only last summer a Member of Congress made the direct charge that the board had been maintaining a lobby for that very purpose.

To demonstrate to you, honorable sir, how subtly the board of managers, through their satellites in these so-called homes, operate to mislead the people at large and Congress regarding the character of these homes, I want to respectfully refer you to the report of the board of managers, to the last one available. This report itself is so misleading and the data so subtly arranged and cunningly devised, with the express purpose, I take it, of hiding the facts, that it required several men with the aid of an expert accountant to delve through the maze of figures in order to get at their meaning. Even then it proved to be the hardest problem in the world to ascertain; for instance, just what the board spent, or squandered, in the different departments of the homes. We tried hard to figure out just what amount the board had disbursed for supplying the public with scenery, but we discovered that instead of itemizing that account, as they did in the case of some other insignificant ones, they merely included the cost of maintenance of scenery with the item of farm upkeep, thereby making the home farms the goats for their (the board's) extravagance.

Here I want to give you the result of the figures deduced. The total expenditures for the maintenance of all of the home farms (for the period before stated) were \$152,350.55. The total receipts were \$68,600.39, which shows, as nearly as we are able to estimate, scenery furnished the public at the expense of the veterans' rations and other necessary comforts was, to be exact, 55.6 per cent of the total expenditures. No wonder the home farms show such an enormous loss each year.

What is the object of squandering that money for something the veterans never asked for? Why, for no other purpose than just to fool the people into believing that the homes as operated by the board are the grandest places in the world.

But the figures given above are not a drop in the bucket as compared to the initial cost of scenery, such as the approaches and surroundings of these homes, which make the veritable show places. The fine landscapes embellished with beautiful flower gardens, tropical palms, growing shrubbery, and fine trees presents an animated view of scenic splendor to the eye of the visitor as he approaches the wonderfully constructed, gigantic buildings, whose architectural dimensions are a marvel to behold. It is just as a poor, sick, and emaciated, half-starved veteran remarked in answer to a visitor's comment on the beautiful surroundings, "We can't eat those things; it's only done to fool the public."

It should not be implied, however, that the veterans do not enjoy or appreciate the beautiful and artistic. But they do insist that the veterans are entitled to have their welfare and comforts looked after first, which is not done, as is evidenced by the fact that the board insists on pursuing a mad policy of so-called economy in furnishing the food supply and in the sanitary arrangements of the buildings, which are generally infested with rats, mice, bedbugs, cockroaches, and other vermin too numerous to mention, all of which tends to keep the suffering veterans (especially in the home hospitals) in deadly fear of being attacked by the rats and bedbugs, which frequently happens.

As a matter of fact, these so-called soldiers' homes which the people and Congress intended should be real homes have, in fact, degenerated under the careful, economical, and sympathetic administration of the board into a veritable semimilitary prison or detention barracks in which the men who have offered their very lives for their country are deprived not only of their liberty by means of a "card-pass" system, much akin to the prison trusty's, but they are forced to eke out a cheap and miserable existence on 5 or 6 cent meals in overcrowded, ill-ventilated, unsanitary, and bare barrack rooms in which are not even provided the common privacies usually found in the cheapest lodging houses (known as "dop-houses") in all of our large cities.

But, asking your kind indulgence further, and hoping you will bear with me on account of the necessary length of this horrible tale of woe, and assuring you the while that it is not taken from some obscure

work of fiction, or from the history of life in Libby Prison, or anything of that sort, but being merely an attempt on my part to make a plain and unvarnished statement of facts born of actual experience of life in these so-called soldiers' homes, most of the truth of which can be easily verified by a perusal of the findings and reports to Congress of the senatorial committee on Military Affairs of their investigation of the Santa Monica Soldiers' Home in California on November 19, 1912, and entitled "Report No. 1107, Calendar No. 1034," to which I most respectfully wish to refer you.

However, continuing my story to show you how well we, the veterans, are loved and taken care of by the board, headed by that noblest and most patriotic of all men called Maj. Wadsworth, who deliberately insulted the veterans by making the statement to the honorable senatorial investigating committee (see p. 1173 of their report), "That you gentlemen"—meaning the committee—"must not think that because a man is a soldier he is a good man. You know in the Army a good deal of the scum got in toward the end" (meaning the Civil War). I have no doubt that the major meant to include himself in that statement, as he went in on the last call.

According to the regulations as laid down by the board of managers, no man is admitted to these homes unless he is totally disabled and needs medical treatment. So, of course, a medical staff dispenses the treatment, which, though, is about as poor as can be imagined. The so-called physicians are in most cases very poorly paid, inexperienced, incompetent, and inefficient, who strut through the sick wards of the hospitals attired like the military strapons that they try to imitate, making their calls in the most perfunctory manner possible, and paying but little heed or attention to the needs of the patients.

Medicines which are prescribed to relieve the suffering veterans are allowed to constantly run out of stock and dopes substituted, which sometimes do more harm than good. Opiates that are habit producing are administered sometimes without the slightest compunction—and then people will wonder where the dope fiends come from.

Frequently the nursing is done by poorly paid, inefficient, careless nurses, who are not at all interested in their work or in the welfare of their patients, because, as is the case at the B. M. S., they come here and get disgusted with the liberty-depriving discipline and insane arbitrary rules laid down for their conduct, not only during duty hours, but when they are off duty as well, which is certainly getting to the extreme. Good, self-respecting nurses remain but a short time and leave in disgust, making frequent changes of nurses necessary, to the detriment of the patients.

There seems to be an entire absence of that friendly spirit and feeling of good will or any feeling of cordiality between the veterans of the homes and the officers and civilian employees. The employees and officers seem to look down upon the veterans as though they were paupers and deserving no better treatment than they see fit to dole out to them. Whenever an opportunity presents itself, they seem only too glad to enforce some tyrannical, unreasonable, and oftentimes arbitrary rule or regulation laid down by themselves and the board. Most of these rules were promulgated for the government of the homes some 20 or 30 years ago, when the conditions to be met were entirely different from those of the present, and which, if strictly enforced, indicates a positive hardship on the veterans. It actually seems that most of the officers delight in a nonenforcement of any and all regulations that happen to favor the veterans.

To show how very considerate and sympathetic the president of the board is toward the Spanish War veterans now coming into the homes, I have the honor to refer you to his statement as made under oath to the honorable senatorial committee investigating the Santa Monica Home (see p. 1175 of their report), which is as follows:

"Maj. WADSWORTH. We are getting from the Spanish War men probably their worst class; the men who by their overlindulgences have made themselves incompetent to take care of themselves. With very few exceptions, the class of Spanish War men we are getting are very poor."

There you have it—a statement that is nothing but a deliberate slander and falsehood, and the honorable senatorial committee ought to have prosecuted that man Wadsworth for perjury, because just the opposite is the truth. As a class, the Spanish War veterans now in the homes are on the whole and with few exceptions as decent, as self-respecting, and patriotic a set of men as can be found anywhere; men who have seen the hardest service in this country and in the Tropics, which has incapacitated them so they have to seek refuge in the homes. But these men have aroused the hostility of the president of the board because they have in a measure been able to fight back, and to show up the outrageous conditions prevailing in these so-called homes. The Spanish War veterans are satisfied that if the Santa Monica investigation did not accomplish another single thing, it surely unmasked that man Wadsworth, the would-be love-labor patriot.

Another one of the most reprehensible things the board inflicts on the veterans is in the manner of employment in these homes. Regulation No. 314 provides that "Members of the home be employed as far as practical for the best interests of the homes." That regulation is and has been violated most persistently of any regulation laid down by the board. Veterans in the homes are usually given the most menial and poorest-paid positions. Most of the best-paid and desirable positions are given to civilians who never would enter the service of their country on the firing line. They are often merely political "hangers on" or relations of the powers that be in these homes. In fact, the board of managers make it their business (because of the great consideration they have for the veterans) to exploit and slave them to death. Their infirmities force them to take refuge in the homes, which make them easy victims for exploitation purposes. For example, civilian employees are paid from \$25 to \$250 per month, while veterans are forced to accept jobs that only pay as low as \$7 to \$35. To give you a correct idea as to what extent the veterans are being exploited, I beg leave to refer you to the board of managers' report to Congress for the fiscal year ending June 30, 1912, page 203 (which is the last one available), and which gives the cost of labor at the Battle Mountain Sanitarium. The number of members employed was 277, to whom was paid the munificent sum of \$8,789.47. The total number of civilians employed was 209, to whom was paid \$43,324.24. So, while they had employed 22 more civilians than veterans, yet the civilians were paid \$34,324.24 more. In other words, the total expenditures for salaries to both veterans and civilians employed were \$52,113.17. Out of this the veterans received only 17 per cent, while the civilians were paid 83 per cent. Yet the board has the effrontery and unmitigated gall to pretend that they are giving the veterans in these homes a square deal, when, as a matter of fact, the general treasurer of the board, testifying at the Santa Monica investigation, admitted under oath (see p. 1156 of the committee report) that the wages paid to veterans were less than one-third that paid to civilians. Maj. Wadsworth, president



of the board, also admitted under oath (see pp. 1157-1158) that the officers of the homes always requested him to get rid of the veterans and give the positions to civilians, showing how the veterans are always discriminated against in direct violation of regulation No. 314, and excusing this action when pressed by the committee by stating that they could not get enough veterans who were competent to do the work. As a matter of fact, the satellites of the board of managers in these homes turn down the application of both old and young veterans for positions nearly every day. Not only is this a fact, but if the board really wanted to do right by the veterans, they could get from the ranks of the old and young veterans' organizations, such as the Grand Army of the Republic and United Spanish War Veterans, men competent enough to fill every position in every soldiers' home in the land, from governor down to common laborer. Then, why don't they do it? Will Maj. Wadsworth quit handing out the usual line of patriotic bunk long enough to answer the question? But no; the board of managers would rather break all world's records by preserving a policy of so-called economy which imposes sweat-shop, labor-exploiting conditions on the veterans in these so-called homes, while they, the board, travel about the country on their so-called inspection tours in regal style in Pullman palace cars, piling up expense accounts that are staggering, and with no one to say to them nay, notwithstanding the fact that they force the poor, sick, emaciated veterans who are transferred from one home to another to travel a great distance in day coaches and without even providing them with coffee money. Contrast that sort of treatment to the ample provisions that are made for civilian employees traveling on home business, whom they allow 7 cents a mile and all expenses while en route. Right here another question suggests itself. Were these homes built for the benefit of the board of managers and their satellites or for the veterans who have made them possible? Which?

Now, I could go on indefinitely and relate to you the terrible abuses and outrages that we veterans are subjected to constantly. My own personal experiences since I have been forced to seek refuge in these homes has been sad to say the least. The charges that I make against the powers that be I can substantiate in every particular, if given an opportunity by Congress. Thousands of my suffering comrades stand ready to corroborate me. But none of us will, I am sure, have anything more whatever to do with the board of managers and their fake investigators, who always use the whitewash brush and then often summarily expel us from the homes for having the temerity to expose the misconduct of their incompetent parasites mismanaging these homes. Congress has the power to make these places of refuge for the veterans real homes. This they should do forthwith by acting on the recommendation of the honorable Senate Committee on Military Affairs, which found the conditions of the Santa Monica Home as bad, if not worse, than I have stated them to be.

The board of managers stands tried and convicted before the whole world on every count—among them being the following: Starvation and improper rations; exploitation and sweat-shop labor conditions; wanton waste and extravagance; incompetency; inefficiency; criminal carelessness and indifference on the part of the medical staff; rank injustice and discrimination; vacillating procrastination; brutality and extreme cruelty and neglect; and last, but not least, suggestions of graft—and plenty of them, too.

In closing, the question suggests itself: Can Congress afford to ignore the demands of the Nation's defenders and force them to appeal to the public and the press to help them in their fight for justice and the real homes in fact? I hope not. Therefore I and all of my comrades beg and beseech you to cooperate with all these honorable men in Congress and give the problem your immediate attention.

And so, awaiting your pleasure, for which please accept my thanks in advance, I beg to remain,

Yours, for the Nation's defenders,

SAWTELLE, CAL.

ONE OF THE BOYS OF '98.

The revelations made of the treatment of veterans at the soldiers' homes will doubtless be startling to Members of Congress. That at the will of any one man decrepit old veterans, without a cent with which to buy themselves food to keep them alive, are thrown upon the street is almost past belief. But it is even so, and this abuse of power has been going on for years. Hundreds of old men have been "given the gate" in recent years.

It is wrong that such power should be placed in the hands of one man. No man is big enough to exercise arbitrary power over so large a body of men, and many men are small enough to use the power to wreak their revenge upon the helpless veterans.

In no case should one of these veterans be cast out upon the world. The United States recognizes its liability for their support. That is what these homes are for. They were not established to give positions to politicians where they may lord it over the Nation's wards. In the Regular Army, perhaps, arbitrary power may be necessary, but it is not so in the soldiers' homes. These should be, in fact as well as in name, homes for the veterans.

It is true that some of these men become insubordinate at times and in need of restraint. They are old, many of them may be cranky, and some of them are addicted to drink. There must be rules for their restraint and penalties for the infraction of the rules, but in no case should they be thrown from the home. There should be detention quarters where they may be held in case of violation of the rules, and perhaps other mild punishment should be permitted, but always they should be retained at the home unless their offense has been so great as to require their being turned over to the county authorities.

When a helpless and penniless veteran is turned out to be dependent upon charity or to starve, as was the case with Marcus Sylvester, who was "given the gate" for merely suspecting that his pension had been withheld by the officers, a crime has been committed.

The punishment of "giving a man the gate" at the national soldiers' homes has been abused about as much as the Czar's prerogative of banishing subjects to Siberia.

For two or three years past Congress has been hearing complaints of the harsh treatment of veterans by officers of soldiers' homes. Many have come to the conclusion that the veterans who are forced to find refuge there are not made to feel that it is what its name indicates and what the Government meant that it should be—a home.

The great trouble appears to be that a few of the officers of the home are austere in their temperament and treat the inmates with harshness unwarranted by the positions they hold. There appears to be a disposition among the officers to regard the inmates as charity patients and to subject them to such rigorous treatment as even young men of the Regular Army grow restive under.

An immediate change is necessary. These veterans are growing old and most of them are in poor health. They are not charity patients, but have earned by their past service to the country the best care that can be given them.

They should have over them, not white-gloved martinets of whom they are taught to stand in awe, but friendly officers who, though firm in requiring compliance with necessary rules, have hearts filled with sympathy for the veterans and with respect for the great work they did for their country, and who will make them feel that the institution is indeed a home for them. They should have a kind smile and words of cheer instead of the frosty attitude of a superior officer to an underling. And when some veteran, a victim of mental or physical weakness perhaps, does transgress the rules of the home, he should be given a helping and a restraining hand, instead of "the gate" and possible starvation and death.

The placing of these homes under the administration of the War Department, with an executive authority responsible to Congress and to the people, is the remedy for present evils.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FITZGERALD. Mr. Chairman, I hold no brief for the managers of the soldiers' homes. But in view of the statements made by the gentleman from Kansas [Mr. ANTHONY], it might be well for me to make some statement in regard to them.

The Board of Managers of the National Soldiers' Homes is composed of men who are Republicans and ex-Union soldiers. Most of them have been appointed on the board upon the recommendation of the committee of which the gentleman from Kansas is a member.

Mr. BUCHANAN of Illinois. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN (Mr. VAUGHAN). The gentleman from Illinois makes the point of no quorum and the Chair will count. [After counting.] Eighty-nine Members present, not a quorum.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. MANN and Mr. GARNER) there were 5 ayes and 81 noes.

Mr. MANN and Mr. GARNER asked for tellers. Tellers were ordered, and the Chair appointed Mr. FITZGERALD and Mr. GILLET as tellers.

The committee again divided; and the tellers reported that there were 11 ayes and 96 noes.

So the motion that the committee rise was lost.

The CHAIRMAN. A quorum is present, and the gentleman from New York [Mr. FITZGERALD] will proceed.

Mr. FITZGERALD. Mr. Chairman, I was stating when the gentleman from Illinois, in order that I might have a quorum to listen to my interesting remarks, made the point of no quorum that the Board of Managers of the National Soldiers' Homes consists of men who are all Republicans, and who have served with distinction in the Union Army. That board is composed of Maj. James W. Wadsworth, president, for 18 or 20 years a distinguished Member of this House; Lieut. Franklin Murphy, first vice president, who served as governor of the State of New Jersey; Col. Henry K. Markham, of Pasadena, Cal.; John M. Holley, of Wisconsin; Maj. William Warner, of Kansas City, Mo., who served in the United States Senate; Col. Edwin C. Hammond, of Indiana; Gen. Joseph S. Smith, of Maine; Lieut. Oscar M. Gottschall, of Dayton, Ohio; and Capt. Lucien S. Lambert, of Galesburg, Ill.

These men all served in the Civil War, and their sympathies are with the Union soldiers and other veterans of wars who, through one misfortune or another, are compelled to live in the national soldiers' homes. These men are all Republicans, of the same political faith as is the gentleman from Kansas.



In the sundry civil appropriation act of the current year this provision was inserted:

Hereafter vacancies occurring in the membership of the Board of Managers in the National Homes for Disabled Volunteer Soldiers shall not be filled until the whole number of members of such board are reduced to five, and thereafter the whole number of members constituting that board shall not exceed five.

In the last Congress this House passed a resolution providing for the filling of all vacancies in the board. Three of the men named in the resolution were Democrats and one was a Republican. The resolution did not pass the Senate. The Senate was Republican, and the failure to pass the resolution perpetuated in office the Republicans whose terms had expired. There is pending here in the House a resolution to fill the existing vacancies. I think there are four Democrats named in the resolution. If the conditions could possibly be anything like those described by the gentleman from Kansas, he should welcome the substitution of these Democrats for the Republican members on the board. I do not believe that any such situation exists.

Mr. GOULDEN. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. GOULDEN. Did not the distinguished president of that board, who served here as our colleague for many years, Mr. Wadsworth, indorse and recommend that the board should be reduced to five members, instead of the unwieldy and unsatisfactory number that now makes up the board of managers?

Mr. FITZGERALD. Yes.

Mr. GARNER. What salary is paid to the members of the board?

Mr. FITZGERALD. The president gets \$4,000 a year. I do not think the others are paid.

Mr. GOULDEN. The others are not paid.

Mr. GARNER. It is merely an honorary and political position.

Mr. FITZGERALD. Not a political position.

Mr. GARNER. They undertake to take care of the political positions of the homes.

Mr. GOULDEN. I would not go that far; I think that is a mistake. Politics plays no part in the action of the board.

Mr. FITZGERALD. The number of members on the board, as it was constituted, was equal to the number of national homes and one more. So the practice has been for each member on the board to act as a general custodian of one particular home, and then one man was left as president of the board. The complaint has been made by the president of the board himself that under such a system it was difficult, if not impossible, to have a board action taken with reference to any particular home, because, as each member of the board was in charge of a particular home, whatever he recommended the others were likely to acquiesce in. And so the president of the board, Maj. Wadsworth, has from time to time recommended that the board be reduced in number so as to disassociate from the members of the board that local attachment that has existed.

The gentleman from Kansas states there has been a failure to pass the resolution here because it is to perpetuate Maj. Wadsworth in the board. The truth of the matter is, Mr. Chairman, that under the legislation enacted by Congress the vacancies occurring hereafter by which the board is to be reduced makes it probable that Maj. Wadsworth will be one of the first to leave the board. From what I know of him, from my service with him in the House and my knowledge of his career both as a soldier and a public servant and a private citizen, I believe that it will be a great misfortune to the ex-soldiers of this country when the time comes that he is eliminated from the board. [Applause.]

From time to time complaints are made about the character of the food furnished to men in the soldiers' homes. I asked some questions relative to such complaints. Maj. Harris said:

There are always some complaints, but we have endeavored to improve the messing somewhat. There is a sentiment among the patriotic people for the old soldiers, and they say that nothing is too good for them. We can not go entirely on that basis, but we endeavor to conduct the home—

He was here interrupted by the chairman, and I will read further from the hearings and what Mr. Wadsworth said:

The CHAIRMAN (interposing). What is the character of food furnished them?

Mr. WADSWORTH. For instance, here is the bill of fare at the Pacific Branch, Sunday, for breakfast: Beef stew with garden vegetables, graham and white bread, oleo, and coffee. Dinner: Roast loin of beef, sage dressing, brown gravy, mashed potatoes, cabinet pudding, cream sauce, graham and white bread, oleo, coffee. Here is printed the bill of fare for every day in the week. On Monday they had for breakfast fried ham with creamed potatoes, graham and white bread, oleo, and coffee.

The CHAIRMAN. You have visited all these branches?

Mr. WADSWORTH. Yes, sir; many times.

The CHAIRMAN. How is the food prepared?

Mr. WADSWORTH. It is mostly steam cooked, but it is prepared in a wholesome, clean way, Mr. FITZGERALD, and there is no real cause of complaint. But when you are feeding 17,000 men, coming from all sections of the country, accustomed to different kinds of homes and different kinds of cooking—New England cooking being different from western cooking, and so on—it is very hard to please every one of them, and three or four men in a home can raise more trouble by writing to Representatives and Senators and to magazines and various newspapers than you can imagine; and yet with all that, I claim that not over one-half of 1 per cent of the members make complaints.

Taking 17,000 as the basis, 1 per cent would be 170, and one-half of 1 per cent would be 85, which would be about 20 members to a home, and I do not think there are that number who comprise the grumblers and the growlers. I do not believe you can find 17,000 men in any walk of life any more contented or happier than these men. It is almost impossible to make a man 80 years old happy and contented in every way. He either has lumbago or rheumatism or some trouble with his digestion, and when you come to Spanish War veterans you have another class of men to deal with; they are tubercular to a very large extent and the very nature of the disease makes them restless and dissatisfied. They will be at one place and will think that if they could go somewhere else they would get well, and when they get there they want to go somewhere else. I think their complaints are mostly owing to the nature of their disease more than anything else, and I pity them very much; and when you think of the very small number of complaints you have out of 17,000 old soldiers, I think it is remarkable.

Mr. Chairman, from time to time gentlemen have made criticisms of the board. I do not say that the board is above criticism or that things do not happen in the conduct of the soldiers' homes which ought to be criticized, but I express the opinion, based on information gathered and investigations made over a course of eight or nine years and my knowledge of the character of men who are serving on the board, and from the fact that the board is composed of men who have served in the Union Army, that the board is interested only in the welfare of the men, and that these homes are and have been well managed on the whole.

Of course, some of us understand the reason for the complaint of the gentleman from Kansas [Mr. ANTHONY]. He has had a grievance against the president of the Board of Managers of the Soldiers' Homes for a great many years. He has been dissatisfied with the conduct of these homes because the board of managers declined to expend from \$60,000 to \$70,000 to equip the national soldiers' home at Leavenworth, in the gentleman's own district, so that it may burn coal produced in that district rather than conduct the home more economically by burning oil. At the request of the gentleman from Kansas, two investigations were made this year to ascertain the facts. These investigations were made by impartial persons, so that there could be no conflict between the committee and the gentleman from Kansas. One investigation was made by the Bureau of Mines, and the other by the Quartermaster General's Department of the Army, and both of the reports sustained the contention made on this floor in other sessions by the members of this committee, based upon the information that this committee had obtained, that it would cost the sum of money I have stated to equip the plant there for the economical and proper consumption of coal, and that when that was done there would be no economy in burning coal instead of oil. I suggest that criticisms from such a source are not entitled to the same weight as criticisms from a disinterested source.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. ANTHONY. If I can show that the gentleman, as chairman of the Committee on Appropriations, was deceived by the board of managers last year in the estimate they submitted to the committee for fuel at Leavenworth, will he admit that I had cause for complaint?

Mr. FITZGERALD. I will not; but if the gentleman can satisfy me that the report made by the inspector sent out by the Director of the Bureau of Mines and the report made by the Army officers attached to the Quartermaster's Corps at Fort Leavenworth are incorrect, and do not sustain the contention made by the board of managers and advocated by the Committee on Appropriations, then I will be content to agree with the gentleman.

Mr. ANTHONY. Will the gentleman yield for a further question?

Mr. FITZGERALD. Yes.

Mr. ANTHONY. Has the gentleman been informed yet that the board of managers asked about \$43,000 for fuel at the Leavenworth home last year, and has the committee been informed as yet that after stating that would be sufficient the board of managers came back for a deficiency of \$6,000; and then that the report of the inspector at the War Department shows that the board took \$8,000 of money out of the post fund, supposed to be used for the benefit and amusement of the soldiers?



Mr. FITZGERALD. We know that the appropriation for fuel was insufficient.

Mr. ANTHONY. Why will the committee stand for that?

Mr. FITZGERALD. And that does not justify the contention of the gentleman that it would have been cheaper to burn coal.

Mr. ANTHONY. That will take quite a while to explain, and I will undertake to do that under the five-minute rule.

Mr. FITZGERALD. We will be very glad to meet the time when the gentleman advances it. Mr. Chairman, this is the first time, however, that the gentleman's criticism has been directed at the board for its treatment of the old soldiers, and in view of what has happened in the past it seems to me that any facts that might justify a motive for this criticism might properly accompany the criticism itself, so that those who are impartial and who wish to know the facts and to do only that which is right and just can take such action as will be conducive to the best interests and contentment of these soldiers.

I reserve the remainder of my time.

Mr. GILLET. Mr. Chairman, I yield 25 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, a great light has at last penetrated the darkness and gloom that has so long enshrouded the great blessings that the Democratic administration has brought to this Nation. These blessings are here in unmeasured abundance, but the people of this Nation do not know it. They ought to rejoice and be happy, but their minds are in such state that they can not. But at last the truth is out. Men are out of work. The unemployed number millions. This is at last admitted, but the President assures us that this panic is "psychological." Business is bad, when it ought to be good. Of course there is nothing the matter with the Democratic theories or with the Democratic legislation. It is only that the business men of the Nation are too stupid to comprehend this beneficence. But the "psychological" condition that has permeated the White House has not yet reached the majority in Congress.

We have been told day after day that business is good—never better; that there is no depression; that there are no closed mills, and that there are no idle men, by our friends on that side of the House. But now the President admits that business depression is widespread and universal throughout the country.

In the sacred name of outraged virtue, with all the solemnity that my lacerated feelings will permit, I want to protest against this reflection by the President upon that tireless oratorical demonstrator of efficiency, that vocal creator of imaginary prosperity, that circulating vocabulary of the administration, that suave sophist, the radiant and serene Hon. William C. Redfield. What is the use of this optimistic spouter of twisted figures, that never met a truth that he could not strangle nor a fact that he could not vanquish, daily performing throughout the country, demonstrating by doctored reports of discredited "experts" and by specially prepared statistics our unexampled prosperity, if even the President will not believe him?

Again I protest against the President contradicting that sedate and retiring gentleman who, when other matters do not interfere, presides over the deliberate deliberations of that other legislative White House annex at the other end of this Capitol.

The other day, when having his hand properly held in a beauty parlor, this modest man shrinkingly declared that this Nation was splendidly prosperous and business universally good. What a fascinating female that must have been to make the world look so rosy to our own Thomas Riley. But in all fairness let it be said that the prosperity ecstasies enjoyed by our brilliant and voluble Vice President on that auspicious occasion were in all probability mostly "psychological." Why should the President contradict such prophets of prosperity as Marshall and Redfield, especially when all three look upon the same facts from the same angle and inspired by a common hope.

But this "psychological" condition makes clear many things we could not understand a few days ago. "Then when we saw as through a glass darkly, and now see face to face."

A few days ago we were informed that unless we surrendered our control over the Panama Canal and gave other nations the fruit of our labors that something awful would happen. The President said he would not know what to do in things of "nearer consequence." The awful thing that was to happen has not happened. We now learn that no nation was protesting against the canal law. We have it upon the high authority of the chairman of the Foreign Affairs Committee of the Senate that no nation is protesting and that no nation has protested against the present law; that no nation has ever asked or is asking now that it be changed. What, then, was it that so filled the President with dread and fear that he pleaded with

Congress to do this astounding and cowardly thing. "right or wrong"? No one knows. The only explanation the present reveals is that it was a "psychological" condition, a state of mind, an unsubstantial dream, and not a real danger that threatened us.

A few days ago the President refused, as he had refused a year ago, to go to Arlington on that sacred day when a grateful Nation pays its tribute of loving remembrance to its heroic dead. An invitation was extended to the patriotic Speaker of this House to be the orator on that occasion. Then the President, without knowing of this invitation to the Speaker and without communicating the fact to either the members of the Grand Army of the Republic or the newspapers, suddenly changed his mind. True, this was a strange and striking coincident, but no doubt the real explanation is that it was "psychological."

It was no doubt the same thing that caused the President, after repeated urgings by Democratic friends, to change his attitude and be present at the Gettysburg reunion of a year ago.

A few days ago we practically declared war against an individual, not because American citizens had been murdered, not because millions of American property had been destroyed, but because he persisted in firing 5 rounds in salute instead of 21. I can not understand why the President and Huerta did not compromise on the magic 13. Then one of the mightiest battleship squadrons of the world was rushed to the coast of Mexico to blockade her ports, and Vera Cruz was seized to prevent the landing of a cargo containing munitions of war by a German ship. In this undertaking 17 brave American soldiers gave up their lives in the heroic performance of duty. A few days ago this same ship unloaded this same cargo unmolested, and these same guns, shotted with the same ammunition, are ready to be turned upon American soldiers.

We are informed that ammunition is still, with the knowledge and consent of the administration, being sent to the Mexican rebels. We are informed that two vessels have, with the knowledge of the Secretary of State, sailed for Tampico loaded with guns and other war material, and that these are to be permitted to reach Villa and his band of bandits and assassins. More bullets that may rend the flesh of American soldiers. Let us in charity hope that these things are not criminal blunders but only "psychological" mistakes.

I hold in my hand a copy of the New York Sun of to-day, and I read the following dispatch, which is quoted in one of the editorials of that paper:

Much relief was manifested in official circles when it was learned to-day that Huerta has backed down from his plan to blockade Tampico. It obviates the necessity of the United States showing its hand in favor of the constitutionalists.

I have wondered why the administration is so careful about publicly showing its hand in favor of the constitutionalists. I am reliably informed that a day or two ago the newspaper correspondents had an interview with Charles Douglas, who is the attorney of the constitutionalists, who received that position largely because of the fact that he is a friend of the Secretary of State, and when these newspaper men assembled to receive information in regard to the constitutionalists Mr. John Lind, the man who had been the special representative of the President of the United States in Mexico, was there, advising the attorney of the constitutionalists what he should say and what he should give out to the newspapers.

What closer connection do you want between the rebels and this administration—the President's special representative to Mexico a short time ago, now the adviser of the attorney who represents these so-called constitutionalists?

Let us see if this business depression, which the President at last admits, is a "psychological" condition or an ugly fact. Since the Democratic Party went into power the business of this Nation has decreased more than 40 per cent. Last April the balance of trade against us was more than \$10,000,000, the first time it has been against us since the old Wilson-Gorman law was struck from the statute books. On the 15th day of last month 238,000 railroad cars were standing idle, the largest number in the history of the Nation.

I hold here a clipping from yesterday's Post of this city, and I will read a line or two from it:

WORKERS FOR HIGHER RATE—RAILROADS, LAYING OFF THOUSANDS OF MEN, NEED IT, SAYS LABOR LEADER.

NEW YORK, June 6, 1914.

A Washington dispatch to the New York Times says: "Railroad workers, as well as railroad owners, favor the 5 per cent rate increase asked by the roads, according to Fred L. Feick, of the western railroad employees, who is in Washington to testify on the subject to the Interstate Commerce Commission. Mr. Feick said that his organization included 1,000,000 men. While they do not advocate a particular increase, he said they feel that a fair share in business should be permitted to the roads."



"Five hundred thousand railroad men in the West are out of work," said Mr. Feick. "Men who have been engineers and conductors of 10 years' service to-day have been set back to braking, something that has never happened before. Many employees have been dismissed, and retrenchment is general in all departments. In many cases wages have been cut anywhere from 10 to 20 per cent and the hours of employment of thousands of employees have been reduced."

I wonder if the railroad men believe this is a "condition of mind"? Are these conditions simply "psychological"? Can these idle men feed themselves and their families on imagination?

Here are some more "psychological" facts: The importation of tin plate the first six months before the enactment of the present tariff law was 3,000,000 pounds. The amount imported the first six months following that law was 33,000,000 pounds—ten times as much—and valued at \$1,034,000. Nor was as much tin plate used in this country the first six months' period mentioned as in the last. Of course, it is only a "psychological" fact that should alarm no one that in the tin-plate industry alone in the last six months a million dollars has been taken from American labor, from American manufacturers, sent out of the country and given to the foreigner.

Thousands of tons of foreign steel are going into the ports of San Francisco and Seattle. Thousands of tons of cotton ties made in England are going to New Orleans and Galveston. The National Tube Works, at McKeesport, Pa., employing 2,500 men, a few days ago closed. The vice president of the Baldwin Locomotive Works declared the other day that 12,000 men formerly employed in that concern are to-day walking the streets looking for work. But all this is merely "psychological."

A distinguished gentleman told me yesterday that in one industrial district in Chicago, 12 blocks long and 6 blocks wide, there were 4,000 idle men, more than one-third of the entire number that live in the district. He declared that taking the entire city of Chicago to-day that more than one-third of all the workmen were out of employment; that they were looking for work and waiting for an opportunity to vote the Republican ticket. [Applause on the Republican side.]

The last three months of 1914 our sale of cotton goods abroad decreased \$1,200,000. Our purchases abroad in the same period increased \$2,100,000. Bradford, the great woolen and worsted center of England, has increased the sale to the United States of these goods since the Underwood law went into effect 280 per cent.

During the first six months of the Underwood law our foreign trade was more than a hundred million dollars less than it was under the first six months of the Payne law.

Our imports of cotton cloth the first three months of 1914 were \$4,539,295; during the first three months of 1913 it was \$2,407,120, or a balance in favor of the foreigner of \$2,132,175. Our imports of woolen and worsted goods the first three months of 1914 were \$7,664,370; the first three months of 1913 were \$2,254,010, a balance in favor of the foreigner in three months of \$5,410,360.

Yesterday the gentleman from Indiana [Mr. CLINE] entertained the House by telling them how some farmers in the northern part of his State were going to start a woolen mill. Well, if that be true, the farmers will furnish the money and the promoters will be that much richer, and in less than a year from now that stock will not be worth 10 cents on the dollar. They had better read this increase in the imports, and then figure out how they are going to be able to compete with the cheap labor in England.

Mr. BUCHANAN of Illinois. Mr. Chairman, it is very evident to me there is not a quorum here, and I make the point of order that there is no quorum present.

Mr. HUMPHREY of Washington. If the gentleman wants to make the point of no quorum, all right; but I do not yield to him to interrupt my speech.

The CHAIRMAN. The gentleman from Illinois makes the point that there is no quorum present. It is evident that there is not a quorum present, and the Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

Aincy	Bruckner	Cramton	Flood, Va.
Allen	Brumbaugh	Crisp	Fordney
Anderson	Burke, Pa.	Crosser	Francis
Ansberry	Byrnes, S. C.	Dale	Gallagher
Anthony	Calder	Danforth	Gardner
Baker	Callaway	Davis	George
Baltz	Cantor	Decker	Geary
Barchfeld	Castro	Dies	Glass
Barnhart	Carew	Difenderfer	Goeke
Bartholdt	Casey	Dooling	Goldfogle
Bartlett	Chandler, N. Y.	Doughton	Goodwin, Ark.
Beall, Tex.	Clancy	Dunn	Gordon
Borland	Cline	Eagan	Gorman
Brodbeck	Collier	Elder	Graham, Ill.
Browne, Wis.	Copley	Fairchild	Graham, Pa.
Browning	Covington	Fess	Greene, Mass.

Gregg	Kindel	Morin	Sims
Griest	Kinkaid, N. J.	Mott	Sisson
Griffin	Kirkpatrick	Murray, Mass.	Slayden
Gudger	Knowland, J. R.	Neeley, Kans.	Slemp
Hamill	Konop	Nolan, J. I.	Sloan
Hamilton, N. Y.	Korby	Norton	Small
Hammond	Kreider	O'Brien	Smith, Md.
Hardwick	Lafferty	O'Leary	Smith, Sam'l W.
Harris	Langham	O'Shaunessy	Smith, Mian.
Hart	Lee, Ga.	Palmer	Smith, N. Y.
Hay	L'Engle	Parker	Smith, Tex.
Hayden	Leshner	Patton, Pa.	Sparkman
Hayes	Lever	Payne	Stafford
Helgesen	Lewis, Md.	Peters, Me.	Stanley
Helm	Lewis, Pa.	Peters, Mass.	Steenerson
Helvering	Lieb	Peterson	Stephens, Miss.
Hinebaugh	Lindquist	Platt	Stephens, Nebr.
Howard	Linthicum	Porter	Taylor, Ala.
Hoxworth	Loft	Post	Tuttle
Hullings	Lodge	Powers	Vare
Humphreys, Miss.	McLellan	Riordan	Vaughan
Igoe	Mahan	Roberts, Mass.	Watson
Johnson, S. C.	Maher	Rogers	Webb
Jones	Manahan	Rothermel	Whitacre
Kahn	Martin	Sabath	White
Keating	Merritt	Saunders	Wilson, N. Y.
Kelster	Metz	Scully	Winslow
Kelley, Mich.	Miller	Sharp	Woodruff
Kelly, Pa.	Montague	Sherley	Young, N. Dak.
Kennedy, R. I.	Moore	Sherwood	Young, Tex.
Kless, Pa.	Morgan, La.	Shreve	

The committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17041, and, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 246 Members answered to their names, a quorum, and he reported the list of absentees to be entered upon the Journal.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration the bill H. R. 17041, and, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 246 Members, a quorum, answered to their names, and he reports herewith the list of absentees to be entered upon the Journal. The committee will resume its sitting.

The committee resumed its sitting.

The CHAIRMAN. The gentleman from Washington has nine minutes remaining.

Mr. HUMPHREY of Washington. Mr. Chairman, I have no particular desire to criticize the distinguished gentleman who shows his statesmanship every few minutes by making the point of no quorum, but it does occur to me that a majority of this House should be wildly enthusiastic for the legislation he is urging. I believe that he owes a higher duty and more respect to the great laboring interests of this country than to be constantly trying to delay the business of this House. Now, when I was interrupted I was speaking in regard to the imports in the port of New York.

During the month of March the exports at the port of New York alone decreased \$11,000,000. During the month of April they decreased \$12,000,000, or a loss of \$23,000,000 at one port in two months. Imports increased over \$26,000,000 in the same time at the same port, or a balance in favor of the foreigner of over \$46,000,000 in the port of New York alone for the months of March and April, 1914, or at the rate of \$276,000,000 per year. But of course all this is simply "psychological" and not facts that should alarm anyone.

This tremendous loss of trade is made much more striking when you remember that our imports of materials used in manufacturing has decreased in the first six months under the Underwood law \$48,000,000. The imports of finished manufactured articles ready for sale, the value of which consists mostly of labor, increased in March alone over \$8,000,000. During April, 1914, the last month for which the figures are available, as compared with April, 1913, we bought from the foreigner \$30,000,000 more and sold him \$37,000,000 less.

It is estimated that every million dollars' worth increase in imports and every million dollars' decrease in exports means a thousand idle men in this country. Who, then, can look at these figures and fail to understand the reason for closed mills and idle factories and the millions of unemployed? Who but the President would contend that these conditions are simply "psychological"?

The value of the stocks of this Nation has decreased \$2,000,000,000 within the last six months. The business of this Nation has decreased \$1,000,000 every hour that Woodrow Wilson has been in the White House. This is the result of the "new freedom." This is the practical workings of that law that was to give us the trade of the world and drive the foreigner from our market places.



Millions of dollars' worth of farm products have been bought abroad, but the cost of living has not decreased. One hundred million pounds of fresh meat has been imported under the Underwood law, but beef is 30 per cent higher to-day than it was last September, the last month of the Republican tariff law that was, according to Democratic doctrine, responsible for the high cost of living. We have free wheat; but I notice that in my own State the price of bread has been increased.

I hold here in my hand an article taken from one of the newspapers in my State—the Tacoma Tribune—which says that the bakers have raised the price of bread. The following is the article:

#### BAKERS RAISE PRICE OF BREAD.

The Master Bakers' Association of Washington, Tuesday morning, served formal notice on the local grocers that shortly the price of bread will be raised. When the new scale goes into effect, the grocers will receive 28 loaves of bread for \$1 instead of 30 as heretofore.

E. M. Thomas, president of the Tacoma Retail Grocers' Association, received the notice; but just when the scale will go into effect is not known.

It is not believed, however, that the new scale will affect the consumer, as the bakers declare that if the grocers raise the price of the loaf the manufacturers will install delivery wagons and sell direct to the consumer.

Leading grocers declare they do not object to receiving less profit under the new order, but that they will insist that the bakers keep the weight of the bread up to the standard of 16 ounces, dough measure, and 14 ounces after baking and ready for sale.

Last September, under the Payne law, 30 loaves of bread could be bought for \$1 in the State of Washington. Now you can purchase but 28 for that sum. This is the way that the Democratic Party has reduced the cost of living.

I wonder if it has ever occurred to the now terrified and discredited Democracy that all their howling about the increased cost of living caused by a protective tariff was simply a "psychological" condition, a state of a perturbed mind. [Applause on the Republican side.]

Of course, all these facts and figures, according to the President—and the rest of the Democrats of the country must accept this statement, for they permit without protest the President to do all their thinking for them—is simply "psychological." The only cure for this condition is more legislation.

We are to be kept in session all summer to cure this "psychological" condition in our efforts to place upon the statute books laws that will strangle what little business is left. It may be "psychological," but every day this Congress is in session the business of the country grows less. There is but one small consolation for the meek and cowardly way in which the Democratic majority obeys the President, resulting in keeping us here all summer, and that is that while they are destroying the business of the country they are also destroying the Democratic Party. [Applause on the Republican side.]

Business men see their markets gone, their factories closed, but they should not complain. Let them read a chapter on the "New Freedom." [Applause on the Republican side.]

They see the foreigner with his products made by foreign cheap labor coming into this country and driving them from the market, but why should they complain. Let them read an essay on "Free Trade."

The business men of this country are daily selling less abroad, are daily selling less at home; daily the foreigner is increasing his sales in this country; but why should our business men complain? Let them listen to a lecture on "Efficiency." [Applause on the Republican side.]

The business man looks upon the closed factory, the dying fires, the idle men, the poverty, upon the vast army of unemployed, but let him be of good cheer, let him read our new "Constitution of Peace" and be comforted.

What the hungry want is not bread, but more law.

What the naked want is not more clothes, but more statutes.

What the idle need is not work, but more legislation.

What capital needs is not investment, but legal confiscation.

What the Nation needs to-day is not prosperity, but a cheerful state of mind. [Applause on the Republican side.]

What the people of this country need is the faith cure. They took it last election, and it cured their faith in the Democratic Party forever. [Laughter and applause on the Republican side.]

Poverty, want, hunger, idleness, and rags. These are not pitiful facts; these are not awful realities; these are but the figment of a fevered and uncultured imagination unable to grasp the eternal verities of the "new freedom" and the splendid truths of the new "constitution of peace."

Mr. TAGGART. Will the gentleman yield?

Mr. TOWNER. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Washington yield; and if so, to whom?

Mr. HUMPHREY of Washington. I will yield in a moment.

Surely this Nation to-day is reaping the reward of being directed by the impractical, the dreamer, the reformer, the up-

lifter, the scholar, and the theorist. This is the day of the triumph of the "intellectual unintelligent."

Yes, all our troubles are "psychological." Is death by fear any more delightful than when the terror comes in any other form?

"Psychological" is a blessed word. There is none with which it can be compared. "Charity covers a multitude of sins," but "psychological" in its beneficent elasticity covers the measureless multitude of Democratic blunders. [Applause on the Republican side.]

Mr. TOWNER. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. TOWNER. Do I understand the gentleman to claim that the President has abandoned his old scheme by which all of these were to be overcome on the part of employers and manufacturers by sharpening their wits against the foreigner, and that now that is to be supplanted by the new psychology theory he speaks about?

Mr. HUMPHREY of Washington. The President has succeeded in having the people of this country sharpen their wits in competition with the other nations of the world. We have lost our home markets to the foreigner. Each day we import more and sell less, and now, as I said a moment ago, after he looked around upon closed mills, the 500,000 men out of employment on the railroads alone, upon the 3,000,000 of the unemployed in this country, the largest number that ever existed in the history of this Nation, it seems that that fact has just penetrated the White House, although it has not yet crossed the aisle, and then the President replies to the business men of this country, who come before him beseeching that Congress adjourn—the only blessing they could bestow upon this country—that the conditions are merely psychological; that the people of this country are not hungry, but simply imagine that they are. [Applause on the Republican side.]

Mr. GILLET. Mr. Chairman, I yield 25 minutes to the gentleman from South Dakota [Mr. DILLON].

Mr. DILLON. Mr. Chairman, on January 17, 1914, I introduced H. R. 11808, a bill to secure cooperation between the Interstate Commerce Commission and the State railway boards and commissions of the several States in correlating, changing, and establishing intrastate rates, charges, and fares which indirectly affect interstate commerce in the transportation of passengers and property by public carriers, and providing for procedure relative thereto.

I desire briefly to discuss the provisions of this bill. Section 1, in substance, provides that the Interstate Commerce Commission, through one or more of its members, may enter into a conference with any one or more State railway boards. Such boards, upon complaint of any interested party, may correlate and prepare schedules for the changing of rates for transportation of passengers and property, and in so doing may compare existing rates with State rates and also make comparisons between one or more States, and may consider ways and means of arriving at fair, reasonable, and just intrastate rates.

Section 2 provides, in substance, that when any interested party files a complaint concerning any existing or proposed interstate schedule with the Interstate Commerce Commission, then any State board, whose State rates may be affected thereby, may intervene and be heard, and when any matters are pending before the Interstate Commerce Commission affecting intrastate rates any State board may intervene and introduce evidence and arguments in support of the State rates.

Section 3 provides, in substance, that any interested party may file a complaint with any State railway board, pursuant to the laws of such State, concerning any proposed intrastate rates which indirectly affect interstate commerce, or when such State board proposes, on its own initiative, any such intrastate schedule of rates the Interstate Commerce Commission may, upon request of such State board, participate in such proceedings by conferring through one or more of its members with such State railway board. It may make suggestions and proposals concerning such matters pending before such State board and through such request may submit evidence and present arguments relative to such matters.

Section 4 allows the Interstate Commerce Commission to adopt reasonable administrative rules and regulations for the purpose of carrying out the provisions of the act and for facilitating the joint conferences and action of and between State railway boards and the Interstate Commerce Commission, and for that purpose may fix the time and place of meetings in which State boards may participate.

Section 5 provides in substance that the Interstate Commerce Commission and State railway boards participating in such joint conferences, if empowered by the laws of their respective States, may make their respective tentative findings



and conclusions; the Interstate Commerce Commission as to interstate and the State boards as to intrastate schedules. But none of such findings or conclusions of the Interstate Commerce Commission nor of the State boards shall have any binding force or effect until ratified by the Interstate Commerce Commission acting independently of each of the participating State boards. Upon the submission of such findings and conclusions for ratification the Interstate Commerce Commission may permit interested parties to be heard upon such ratification, and when ratified shall be binding as to interstate rates, and when ratified by the State boards shall be binding as to State rates.

Section 6 provides in substance that the Interstate Commerce Commission may, if permitted by the laws of the State, appear before the State board of any State upon any matter affecting interstate rates and may adduce and submit evidence in support of its contention upon such hearing.

Section 7 provides in substance that the Interstate Commerce Commission or any State railway board may separately ratify the joint action of such boards, and when so ratified it shall constitute a final adjudication.

Section 8 provides in substance that any one or more of the members of the Interstate Commerce Commission may be delegated by the commission to attend any joint meeting or conference with any one or more of the State railway boards, and the action of such representative may be ratified or rejected by the Interstate Commerce Commission.

This bill seeks to bring together the Interstate Commerce Commission and the different State railway boards for unity of action in establishing just and reasonable rates for transportation of persons and property.

The Interstate Commerce Commission is the representative of the national power, while the State railway board is the representative of the power of the State, the one possessing power over interstate commerce while the other retains power over intrastate commerce. Under our complex system of Government there is a constant conflict between the National and the State powers. One frequently trespasses on the other and often the power of one shades into the other and sometimes there is difficulty in distinguishing the rights of each.

The legislatures of 48 States are passing diversified laws, seldom are any two of them alike and uniformity is scarcely ever obtained. Those matters that are national in character, affecting all the people alike, should be controlled by a national power, while those matters that are local in character should be controlled by local or State power.

Nearly all of the States have railway boards created for the purpose of regulating rates of the transportation companies. The laws governing these boards are not uniform, yet they seek to reach the same result. The national board is seeking to reach the same result in interstate-commerce rates. Why should they not cooperate with a common purpose and reach effectively the same result?

In order to fix just and reasonable rates the tribunal assuming such functions must have knowledge of the value of railway properties. The different State boards have adopted a variety of methods in arriving at the valuation. Scarcely any two of them agree as to the elements that should be considered in reaching the valuation. Shall capitalization, earning power, commercial value, market value, book value, cost of reproduction, or fair value constitute the basis of the valuation? What will constitute fair deductions also causes a vast amount of uncertainty. What shall be allowed or deducted for engineering fees, contingencies, legal expenses, discount on stock and bonds, promoting, financing, supervision, depreciation, and working capital, all of which constitute uncertainties entering into the valuation of the properties.

About 20 of the States are now engaged in efforts to secure the physical valuation of railroad properties in their respective States. It is estimated that it will cost from \$3 to \$15 per mile to secure the valuation for rate making and taxation purposes. The National Government, through the Interstate Commerce Commission, is now commencing the herculean task of making a valuation of all the property of railroads engaged in interstate commerce. This appropriation bill carries \$1,900,000 for valuation of railroads engaged in interstate commerce. The States will spend millions of dollars in their efforts to fix the valuation for taxation and rate-making purposes and the National Government will duplicate the work and the expense.

After the valuations are made the National and the State Governments will be constantly duplicating the annual expenditures in keeping the evidence up to date. While these large expenditures of the public money are justified in order that just rates may be secured, yet more effective results could be obtained

through the spirit of cooperation. Cooperation between the State and national boards would stop the duplication of the work and save vast sums of money. With cooperation it will be largely immaterial whether it be a national duty or a State duty so long as it accomplishes results.

This bill provides the means of bringing about joint action and conferences, and then for a separate ratification by each board. The State boards would have a superior knowledge of local conditions, and would bring a wealth of knowledge to the Federal board, while the Federal board, with its large experience in rate-making methods, would bring into the conference its enriched knowledge of national matters. With a spirit of cooperation these boards would consider the rate-making power from every angle, efficiency guiding their action. The interchange of views would bring capability and would establish high grade and efficient service. The railroads and the shippers would rely implicitly upon fair dealing and fair methods in the rate-making power.

The Federal board would need only to send a single representative to the conference. All policies would be discussed and harmonized, and the boards would engage in a common work, with a common purpose, each looking to the other for friendly assistance and advice. Through the conference all conflict between the Federal and State power could be avoided and each remain supreme in its sphere. We would utilize the State boards by shifting upon them the burden of gathering facts and evidence to aid in the common purpose.

The joint orders and decrees would be stronger because resting upon and fortified by the Federal and State powers. They would be made stronger by concerted action, and at the same time would protect the rights of the State and Nation. One of the important features of the bill is that the joint action of the boards shall not have effect until it is ratified by each separately. When the subject matter of the joint action comes up for ratification, the interested parties are granted a full hearing before the Federal and the State boards, each acting independently of the other.

The State boards would have the judgment of the Federal board, as well as the judgment of the boards of other States, when the matters came up for independent ratification. Likewise the Federal board would have the judgment of the State boards before making its findings effective. This unity of action would in a measure create an alliance against any litigation that might follow.

No constitutional argument could be urged against the proceedings, because the interested parties would have notice of the joint conference. The separate action of each board on the ratification proceedings would also be upon notice, which would constitute due process of law within the meaning of the Constitution. In the first instance the joint action would be simply advisory and would become effective only upon ratification and notice to interested parties.

A dozen State boards could meet together with a single member of the Interstate Commerce Commission in conference. The rates fixed by one board, under the existing practice, affects all railroads; the rates of one State affect all States, and, in turn, affect the fixing of rates in interstate commerce. If one State lowers rates or raises rates, it affects all States, and thus unfair and unjust discrimination arises. This would not be possible if there was uniformity existing in the action of the States. There will always be a conflict between rates made by the Interstate Commerce Commission and the rates fixed by the various States. Some States have lower rates than the interstate rate and some have higher rates. In both instances the system has been unjust. No attempt has been made to equalize these rates. The conferences provided for in the bill would enable the State boards and the Interstate Commerce Commission to work together, so that the State rates and the interstate rates could be made to harmonize.

Section 10 of Article I of the Constitution provides:

No State shall, without the consent of the Congress \* \* \* enter into any agreement or compact with another State.

Under this provision the States can enter into an agreement in the fixing of transportation rates provided Congress would consent. This bill would bring into play this constitutional provision: Congress by passing the act would approve of the methods and allow the States to agree among themselves, and when they so agreed the congressional consent would exist by reason of the provisions contained in the bill.

By these joint conferences the States could bring about agreements and thus establish uniformity. This provision of the Constitution has been unused and could now be vitalized so as to bring about State cooperation, and, at the same time, with one-half of the expense establish uniformity. If a number of



the States could obtain unity of action under the above constitutional provision with the assistance of the Interstate Commerce Commission, the power of regulating rates would be firmly established for all time. The conflict now going on between the public and the carriers would cease and just and fair dealing would constitute the rule of action.

I ask leave to insert, as a part of my remarks, an article on this subject by Hon. Charles E. De Land, of Pierre, S. Dak., published in the Central Law Journal May 2, 1913. [Applause.]

The article by Hon. Charles E. De Land is as follows:

\* \* \*

"FEDERAL AND STATE COOPERATION ON RATES."

"Is it feasible for State railway commissions to cooperate with the Interstate Commerce Commission in solving the question of intrastate as related to interstate rates and fares, and vice versa?"

"Would such character of joint action and administrative determination pursuant thereto be legally tenable under the Federal system?"

"It is believed that both of these questions should be answered in the affirmative."

"The coordinate departments of State governments are as certainly and as devotedly concerned and as lawfully invoked in the process of local or State supervision and control of public carriers as are those of the Federal arm of the Government concerning interstate carriage. This being true, and the subject in hand being peculiarly within the view and potential oversight of the State authorities, it would seem safe to conclude that in an assembly of conference between a given number of State boards and the Interstate Commerce Commission, upon the question of proposed State rate schedules embracing the States thus locally represented, the sum of information, opinion, and judgment expressed by the State boards should be regarded as superior to that of the Federal commission. Among other reasons why this should be true is that in arriving at a conclusion as to the local necessity for, and the mutual fairness as between the public and the carriers of the proposed rates and fares here supposedly under such joint consideration, the local boards must be regarded as having diligently and intelligently considered existing interstate rates and fares as related to existing or proposed intrates, as well as those obtaining locally, and to have compared the former with the latter, and also the relations between and the relative fairness or otherwise of the various schedules in the States so represented as between themselves. For it is matter of common knowledge that the State boards of railway commissioners in current administration do consider these various elements of the questions involved, and, indeed, find it necessary to do so in order to reach intelligent and just conclusions in the premises."

"It would seem to follow from the foregoing, as a further fair deduction, that such a conference between several State boards and the Federal commission could not fail to in some degree enrich the intelligence and strengthen the judgment of the latter board concerning not only the reasonableness or otherwise of the existing interstate rates and fares thus involved but the relations then existing between as well as those which should exist between the intrates and the interstate rates."

"On the other hand, such a conference would as certainly shed some new and valuable light upon the case thus presented, as viewed by the State boards, through special knowledge and resulting superior judgment of the Interstate Commerce Commission regarding the existing interstate schedules and their relations to intrates involved imparted by its members to those of the State boards."

"That a mutual desire on the part of the State and Federal commissions to obtain new information and suggestions from the other should exist at all times would seem to be axiomatic. And that the net result of such a conference would be the further maturing of the judgment and efficiency of both the State and Federal boards concerning their respective functions is undeniable. And to the extent that such joint action resulted in tentatively fixing upon the basis of proposed new and mutually satisfactory, reasonable, and fair intrastate rates and fare by such State boards and upon interstate rates by the Federal board a long step would have been taken toward reducing the amount of statutory investigation concerning intrates as related to interstate rates, and vice versa, involved in hearing complaints, as well as toward eliminating court litigation resulting from unsatisfactory action of the boards. And such interchange of views between the Federal and the State boards would bear directly upon and improve the functions of the Interstate Commerce Commission, wherein it finds itself charged with the incidental duty of affecting and regulating intrastate commerce far enough to protect the freedom of and to regulate interstate commerce. (Brown v. Maryland, 12 Wheat., 448;

Caldwell v. North Carolina, 187 U. S., 623; Gulf, Colorado, etc., Ry. Co. v. Hefley, 158 U. S., 980.)

"Pensacola Telegraph Co. v. Western Union Telegraph Co. (96 U. S., 1), while the benefits of such cooperation would increase the capacity of the State boards to act intelligently in so regulating intrastate rates as not to substantially burden or regulate interstate commerce, although it may be thereby remotely or incidentally affected. (Norfolk & Western Ry. Co. v. Pennsylvania, 136 U. S., 114.)

"If tenable, it is believed that such a process of exchange of views and cooperative action would be or could easily be made practicable; that the necessary time for meetings and deliberation as suggested could be arranged for through administrative regulations, supplemented by some additional legislation, State and Federal. In considering this phase of the subject it can be said that it would not be necessary for the full membership of either the Federal or the State boards to come together in carrying out the processes contemplated in this paper. Representatives of the several bodies, as delegations or committees, could be charged in some authoritative manner with the duty of attending such joint conferences, at stated times and places previously fixed upon by the Federal commission alone or through some arrangement between it and the State boards whose functions were called into action by the particular rate or fares problem in hand. Certain tentative discussion of such problem could be had by the State boards in advance, and if deemed necessary by the Interstate Commerce Commission, in which preliminary deliberations certain conclusions concerning rates or fares could be arrived at as a basis for the proposed joint discussion and action, as the result of which each delegation or committee would be able to bring into joint assembly certain specific propositions for or against a set of existing or proposed schedules, and would urge their respective views in support thereof, subject to such modification or adverse action as the wisdom of the joint deliberation might suggest."

"Again, if the utility of such cooperative action were conceded in advance, or was found, after repeated efforts of this character, to be productive of beneficial results in the general direction above indicated, the practicability of such a plan as a permanent feature of administration in the premises could be expedited, and eventually vindicated, in one of several modes of action. It would probably be found that such joint discussion, exchange of views, and advocacies, and action pursuant thereto, would result in accomplishing ends, in the readjustment of rates and fares, intrastate or interstate, or both, by more practical, inexpensive, expeditious, and effective methods than those now existing. Incidental arrangements could be made by the Interstate Commerce Commission to enable the carriers and complaining shippers, if any, to be heard at the joint meeting; and that incident, as to the State boards, could be effected through similar action by the latter. There would probably result a mutual saving of time which in the end would enable both sets of boards to bestow more time in such joint deliberation and action than was thought possible in the outset. And if such utility and effectiveness were demonstrated in a series of preliminary or experimental joint conferences, the State legislatures and the Congress could readily enlarge the membership of the respective boards, if deemed expedient, for the purpose of enabling them to expend more time in this mode of joint action and in perfecting such a system as a permanent feature of administration, State and Federal."

"If, then, the questions of practicability and utility of such joint discussion and cooperative action were demonstrated by actual experiment to the satisfaction of the Federal and State boards, and the governmental authorities behind them, the further question whether, and if so how far, such joint deliberation and action, if made mandatory and declared effective by statute as regards the Federal and the State governments, would be justified under our Federal system would, of course, arise. The questions involved would seem to be that of empowering the Federal and State boards of railway commissioners, respectively, to enter into such joint deliberation and action, and that of providing that such action should be legally effective through ratification by the respective boards, as regards the subject of fixing and of altering rates and fares, intrastate and interstate, as the result of or the sequel to the joint action under and pursuant to the Federal and the State constitutions."

"And in determining the question of the tenability of such proposed legislation the discussion would go on in the light of what had already been done experimentally by the respective boards. And in discussing what had thus actually occurred it would be seen that all that had been done was effected through the simple process of voluntary action in the delegation of authority by the respective boards to their respective committees or other representatives to meet with and to urge tenta-



tive propositions before the joint conference and to report back to their respective bodies the result of such conferences and consequent action, none of the boards, State or Federal, being legally bound by such joint action until confirmed by the respective boards acting normally. In other words, it would appear that the beneficial results attained experimentally, although done informally and outside of the pale of specific statutory authority, had been accomplished without violating any law, State or Federal, since such joint action would not in fact or by intentment be, per se, legally binding upon any of the commissions involved.

"While no actual work seems to have been done thus far by way of cooperation in a joint conference between the State boards and the Interstate Commerce Commission in seeking to tentatively settle upon a set of rates or fares, intrastate or interstate, involved in proceedings pending before either set of boards, yet this subject has been one of repeated and earnest suggestion and recommendation before the conventions of the National Association of Railway Commissioners, in which assemblies members of the Interstate Commerce Commission have annually for many years sat in deliberation with those of a large number of State railway commissions, involving discussions as to ways and means of prompt and effective determination of the questions of rates and fares and many other phases of the work of the respective commissions which regularly come up for debate and recommendation. So clearly has that association put itself on record in this particular that no doubt can arise as to cooperative consideration of rates having been deliberately recommended by members of the Interstate Commerce Commission, including some of its chairmen, before that association. To go no further back than 1908, we find Mr. McChord, chairman of the association, declaring in opening his annual address:

"The necessity for cooperative and concerted action between the Interstate Commerce Commission and the State railroad commissions in every phase of the regulation of railroads has been advocated and approved by every convention of this association since it was organized in 1889.

"He there refers to the expressions of Judge Cooley, in whose address at the first session of that organization the latter said, speaking of the relative work of the two sets of railway commissions:

"We are all engaged in a kindred work, and not a kindred work merely, but in a large degree in the same work. What is often spoken of as the railroad system of the United States is an illustration of unity in diversity, such as it would be difficult to find elsewhere in the world.

"Mr. McChord then refers to the remarks of Judge Knapp, then chairman of the Federal commission, made at the preceding convention, where the latter observed that, regarding public interests and independent of legislation—

"We have an opportunity for very useful service . . . by harmonizing as far as we possibly can our policies and our work of administration.

"Mr. McChord then refers to the additional powers granted to the Federal commission by the Hepburn Act, and observes:

"Now that these additional powers have been conferred and as the intrastate regulation of railroads is so closely allied with that of interstate regulation, it is but natural that the State commissions are looking to the Interstate Commerce Commission for closer cooperation in the struggle they are making against such great odds in their efforts to regulate the railroads of their respective States.

"The 'importance of cooperation of State governments and the Federal Government in the regulation of rates' is emphasized, in view of judicial decisions adverted to, and he makes this specific recommendation:

"We believe that a practical and feasible plan of cooperation would be that when complaint has been filed with the Interstate Commerce Commission and a copy served upon the defendant carrier, and it is cited to appear and defend, . . . the commissioners of the States affected by that complaint should be furnished with similar copies and notices and be granted leave to intervene or submit argument in support of or against the relief sought by the complainant, and, in a similar way, when complaint has been filed with the State commissions, which would of necessity affect interstate rates, a copy of such complaint should be furnished the Interstate Commerce Commission, and both State and Federal commissions should feel free to call for such information as each may possess bearing upon the subject matter under investigation. In short, if the State and Federal commissions are to cooperate in this work, and if there is to be preserved to the State commissions their present usefulness and the limited powers yet left them, something tangible along these lines should be agreed upon by this association and should be carried out without further delay.

"That 'it is clear that if the Interstate Commerce Commission is to effectually cooperate with the various State commissions it must have some officer or representative whose sole duty it is to keep constantly in touch with these State commissions and keep a record of all that they are doing.' And after observing that—

"Under our dual form of government the State commissions are at last at the mercy of the Federal authorities—

"He adds:

"Therefore I am firmly of the opinion that the Federal and State commissions should get together in the beginning of these investigations, and by mutually cooperating and assisting each other be in better position to maintain in the courts their respective orders when made. (Proceedings of National Association of Railway Commissioners, 1908, pp. 10-14.)

"In 1909, Mr. Decker, president of the National Association of Railway Commissioners, in his address at the annual convention of that association, spoke of the trade elements which—

"Create a lasting interdependence between the States and the Nation in regulation of our commerce. (Proceedings of National Association of Railway Commissioners, 1909, p. 10.)

"In 1910 the same distinguished official said in a similar connection—

"We have about reached the time, I think, when investigation of related railway rates may properly include conferences between regulating commissions before determination.

"That the line of demarcation between State and Federal jurisdiction being, fundamentally, determined, harmonious action is promoted by 'trying through conferences and cooperation to bring about rates and rate rules based upon consideration of right and justice to all concerned.' That 'the association through its committees may work actively toward securing harmonious action,' and 'many things that remain to be accomplished may be constantly progressed under the larger comprehension and broader outlook resulting either from special conferences between particular commissions or as the result of the work of committees acting under the authority of this association.' That 'still greater effective work can be done by the various commissions through associated action. \* \* \* To that end it would be advisable for the various commissions to so arrange their own engagements that their members may participate actively through the year in the general but highly important work as fixed by the association in convention. It is worthy of careful consideration whether conferences between State commissions and the Interstate Commerce Commission concerning the work in which any State commission and the Federal commission may have joint interest would not be valuable.' (Proceedings of National Association of Railway Commissioners, 1910, pp. 10-13.)

"In 1911, Judge Clements, chairman of the Interstate Commerce Commission, in his annual address before that association, said:

"It would be useless for me to repeat what all know, and that is that the conferences and sessions of this convention, and the recommendations of the association and the cooperation between the Interstate Commerce Commission and the State commissions and between the State commissions themselves, have been of the utmost value to all of us and to all who are engaged in this most important work of railway regulation. (Proceedings of National Association of Railway Commissioners, 1911, p. 5.)

"The foregoing quotations from addresses made before the National Association of Railway Commissioners clearly indicate that the scope of suggested and proposed action between State commissions themselves, and between them and the Interstate Commerce Commission, embraces not merely the deliberations and consequent action of that association, but conferences between the various sets of State boards, and also between such of the latter as may be involved in determining a pending question and the Federal board, wherein the latter may find its functions operative in determining the relations between the intrates and the interrates thus actually or possibly involved; and also the proposition of action by such State boards and the Federal commission, in becoming by intervention or otherwise, parties to pending proceedings before either or any of those bodies, and in being heard in the determination of the question involved, through counsel and also through committees or delegations. Thus, 'cooperative and concerted action,' 'closer cooperation,' 'harmonizing of policies,' freedom in 'calling for information,' 'effectual cooperation' between the Federal and State boards through 'some officer or representative,' 'getting together in the beginnings of these investigations' and 'by mutually cooperating and assisting each other,' to 'create a lasting interdependence between the States and the Nation,' and 'conferences between regulating committees before determination,' under 'the larger comprehension and broader outlook' resulting from 'special conferences between particular commissions' 'through the year'—all these proposed expedients are evidences of serious consideration and urgent recommendation at the hands of the highest deliberative body existing in this country as the representative of the administrative functions of our State and Federal boards in regulating and controlling commerce, State and National.

"Now while some of these various recommendations may not have been intended to mean joint deliberate action on rates, in the sense of expressing formal conclusions into which both



State and Federal administrative action enter in a responsible way, yet the terms actually used do mean just that character of work. Cooperation is the act of 'cooperating, or of operating together to one end; joint operation; concurrent effort or labor.' Conference means 'formal consultation,' 'interchange of views,' or 'a meeting for consultation, discussion, or instruction.' While 'concerted action' is indicated by the verb 'concert,' which means 'to plan together; to settle or adjust by conference, agreement, or consultation.'

"If these defined means to the end are not broad enough to comprehend and to justify the expedients suggested in this paper, it is difficult to understand how they can be interpreted to mean less than that.

"Suppose then that Congress, and the legislatures of the various States, or some of them, shall enact legislation providing for such conferences as may be deemed necessary or expedient between the State boards and the Interstate Commerce Commission, concerning pending rate questions existing either independently of, or under, complaint, and embracing provisions for presenting evidence bearing upon the questions at issue, by or before the respective boards; that the findings and conclusions arrived at in such conferences regarding questions not then in litigation shall, when ratified by each board acting by itself, be legally binding upon the respective participating boards, and further declaring binding upon each State board and the Federal commission conference findings and conclusions in litigated cases where carriers are parties or are represented—that is, binding, upon such ratification, upon carriers, complainants, and State boards wherein the joint action related to intrastate traffic, and upon the same parties and the Interstate Commerce Commission when related to interstate traffic. That such Federal legislation was designed to operate as a complement to similar legislation by the respective States, and vice versa concerning legislation by the latter. That through such dual system of legislation cases or pending questions, involving the fixing or changing of both intrates and interrates were consolidated in the sense that questions pertaining to intrastate traffic, in one or more States, the determination of which questions would or might affect interstate traffic and rates, could be tentatively determined by the Federal commission acting in conference with the State boards; and containing a complementary provision enabling the Federal commission and other State boards to participate in like manner in the tentative determination of similar issues pending before a particular State board, with like binding force upon the Federal commission as to interstate rates after ratification by it; such joint conclusions not to be regarded as in law constituting an administrative decision, or the equivalent of due process of law in the quasi legal sense or otherwise. That carriers and shippers, in order to be bound by such a proceeding, could participate therein by becoming parties under issues presenting specific questions, with the right to submit evidence and be heard argumentatively, both as to State and interstate traffic issues if and when presented, and with the further right to be heard in the separate State or Federal commerce tribunal when the question of ratification or rejection of the joint conclusions was presented in such separate body; with or without further provision requiring carriers under certain specified circumstances, to become parties to such proceeding. Would such a system of procedure be tenable? And if not, why not?

"Each State element in such conferences would present issues involving the case in hand as related to intrastate rates and fares in the particular State or States. The findings and conclusions would therefore meet those issues as fully as if the particular State board or boards had acted alone in considering them. The same would be true of the Federal commission regarding issues as to interstate schedules. The tentative findings and conclusions would therefore as fully cover all issues of both characters as would be the case if separate initial determinate action had been resorted to. There would, in consequence, be found a record of the joint conference in question, presenting a juridical repository from which the State and Federal boards, respectively, and the carriers and complainants as parties, could draw in making up for presentation before any separate board at its ratification session such partial record embracing issues pertaining to the functions of such separate board as might be necessary for such purpose.

"The mere fact that in such conference a board created by and accountable solely to the Federal power, and limited in its administrative acts and determinations to functions concerning interstate commerce, had actually participated in drawing conclusions concerning intrastate commerce, would not in law vitiate those conclusions. This is obvious, since all that would have been done by the Federal commission would be merely ad-

visory, and the State board or boards would merely have had the benefit of the views and judgment of the Federal commission in support of such conclusions. The conclusions themselves might or might not have been actually assented to although nominally acquiesced in by such board or boards. Equally sound upon similar reasoning would seem to be the contention that mere participation by State boards in such conference conclusions, wherein they referred solely to interstate rates, would not vitiate such conclusions. And this contention as applied to either case is strengthened when we reflect that in lending such mutual aid, each and all representatives or committees of boards in question would, in thus cooperating, be simply using their faculties of judgment precisely as they would if acting normally; since every question of State rates would or might involve, incidentally, its relations to interstate rates, and vice versa.

"If it be objected to the plan of joint procedure above outlined, that it presents a medley of State and Federal elements of administrative deliberation and adjudication, involving confusion as to the identity of the tribunal in which the conference deliberation and hearing was had, and before which the parties, carriers and otherwise, would thus appear, or as to the issues as related to those elements, it would seem that by adopting rules and regulations pursuant to appropriate State and Federal legislation, this phase of the subject could easily be met, to the end of preserving the rights of complainants and other litigants on the record, concerning their attitudes, objections, and exceptions as related to both State and Federal elements of action so involved, as well as before the future respective ratification sessions.

"Some practical difficulty might be encountered by the boards of those States other than that in which the particular joint conference met, in the production of evidence beyond the State limits, for use before the conference, and in enforcing the appearance of witnesses. However, to the extent that such difficulty might be anticipated in a given case, the taking of testimony and incidental evidence within the particular State might go on before an examiner, or some State official, the depositions so taken to be used both before the joint and the subsequent hearings. Again, the question of evidence might, under a somewhat different procedure, be solved by some means whereby the conference conclusions could be made to rest upon some information and evidence calculated to raise a presumption of their reasonableness and fairness, the issue to be finally contested at the respective ratification sessions; with the right to produce further evidence both by way of attack and in support of the action of the conference.

"There seems to be no sufficient ground for the conclusion that such a conference procedure would be violative of the Federal Constitution. If it would, the conclusion would seem to be warranted because due Federal procedure had thus been defeated, or Federal jurisdiction in the Interstate Commerce Commission had been injuriously invaded by concerted action between it and a State board or boards, through encroachment by State authority upon the field of Federal power. And such a result of cooperative action would also affect the right of a carrier, as a party to a proceeding before the Federal commission, to appear and be heard before that body as a distinct, independent tribunal capable legally of making and enforcing a valid order, involving directly and vitally interstate commerce.

"But unless due process under Federal jurisdiction had been defeated or unduly obstructed by such joint action, the Federal Constitution would not have been invaded by such participation of a State board or boards.

"But jurisdiction, in order to be subject to such invasion, must be in course of exercise to the end of a determination of an issue or right in the particular proceeding and forum. (Brown on Jurisdiction, sec. 1. United States v. Arredondo, 6 Pet., 709; Pittsburg, etc., R. Co. v. Backus, 154 U. S., 421; 10 Am. and Eng. Encyc. of Law, pp. 290, 300.)

"However, no such determinate function has been imputed to such a joint deliberation in conference as we have hereinbefore supposed to be in existence. On the contrary, we have assumed that the proposed legislation would go no further than to render the conference act merely tentative or advisory, postponing final or determinative action to the future and separate proceedings of the respective boards constituting the constituent elements of the conference. And such being the character of the deliberations of the joint conference, the cooperation of the State boards could not have the effect of destroying or substantially invading Federal jurisdiction or power operating in determinate action.

"The principle we have assumed to be applicable to a proceeding pending before the Interstate Commerce Commission, when a State board is supposed to be acting in conjunction with



the former, would seem to apply with equal force to the conference action if the relations between the two sets of boards were reversed and the Federal commission were participating in a proceeding pending before a State board of railway commissioners. In either case, the fact that issues primarily determinable solely by the board to whose membership the other board had acceded for purposes of the conference, were considered by such acceding element, would not amount to an invasion of Federal or of State power or jurisdiction, as the case might be.

"If such a system of treatment of questions of rates and fares as is outlined in this paper were in force, it would seem that its utility in advancing the cause of prompt, simple, and effectual settlement of problems involving groups of schedules and territory would be proven beyond dispute. If, for instance, such a complexity of questions or relations and prospective disturbances between the in-rates and inter-rates and fares as that of the Minnesota Rate cases (Shepard v. Northern Pac. Ry. Co., et al., 184 Fed. Rep., 765), could have been dealt with through conferences of the general character hereinbefore indicated, followed by final administrative action by the State boards in fixing and in changing in-rates and fares, and by the Federal commission in readjusting those of interstate character as related to the State schedules involved, after hearing upon evidence, the various carriers interested being parties, it is to be doubted that such joint action and subsequent determination would have resulted in a readjusted system of schedules which, although not in all respects such as would have entirely eliminated litigation thereafter concerning such settlements and schedules, would yet have been mutually satisfactory to the railway commissions and the railroads in all or nearly all main aspects of the general problem? The State boards of, say, Minnesota, North Dakota, Montana, and Wisconsin might have thus met at St. Paul with a delegation of the Interstate Commerce Commission after the respective phases of the proposed action of the Minnesota board, as they would appear to the other boards, State and Federal, had been considered in advance and a set of suggestions and contentions had been framed by them, respectively, for such joint consideration; the various carriers affected could have appeared at the conference and been heard in the light of more or less evidence adduced by them and by the boards; a tentative set of schedules could have been framed by the conference, each set being thereafter taken up by its appropriate board and confirmed in whole or in part, with such modifications in detail, if any, as might have been deemed proper, the carriers and boards bringing into these separate final hearings such contentions and further evidence as the laws and rules of practice would permit.

"Such a system of procedure would also be almost certain to result in more or less periodical conferences looking to successive readjustments of rates and fares, upon some general plan or plans of consideration wrought out as a further consequence of the establishment of the initial practice itself. In this way large areas of territory, embracing a multitude of related rate problems, would in time come to be treated under some well-defined system of administrative management and subjection to hearings for the joint benefit of the carriers and the public.

"The time has, indeed, come for serious general consideration by the public of any and all possible expedients under the administration of the State and Federal railway commissions, through which to simplify, expedite, and effectuate modes of adjustment of rates and fares under the rapidly changing circumstances and conditions surrounding State and interstate commerce. If some plan of joint action to that end similar to or widely differing from the one outlined in this paper can, after due discussion and investigation, be established, the sooner such a desirable end is accomplished the better it will be for the general welfare."

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, I rise merely to make a few remarks upon two questions that have been discussed quite freely of late. Some of the States, especially in the Northeast, where there has been a tremendous influx of immigrants who in a short time become insane, are agitating the proposition that the Federal Government ought to bear a part of the expense of the maintenance of such alien insane and who become insane. I desire to oppose that idea, because I feel that it is a condition that can be corrected to a very great extent by the restrictive measures embraced in the bill which passed the House at this session. This bill, when passed, will keep out thousands of these very people who become insane in a short while after they reach our shores. As long as gentlemen in Congress from those States whose asylums are being filled with alien insane oppose a restriction which will prevent the coming of such people, I shall oppose the people of my State and other sections of the country

being forced to bear any part of the expense of maintaining that class of people.

The other proposition, Mr. Chairman, is that there are many associations and some people who are advocating the policy that the Government at its expense should furnish means for the distribution of immigrants throughout the country. It would be manifestly unjust to require the Government to pay the expenses, or any part of the expenses, of these people to force them upon others who do not want them. Yet such would be the result of that kind of legislation. The Progressive Party in one of the planks of its platform, as I recollect it, announced that it believed in a distribution, perhaps, of that kind. I believe it would be unfair to people who favor keeping out that class of immigrants to say that they should be made to bear any part of the burden of carrying those people into their communities. The very communities into which the advocates of distribution by Government want to send them are the ones in which they are not wanted. And then the greatest trouble, Mr. Chairman, is that when they are distributed they will not stay distributed unless it suits them to do so. There was an example of that kind in South Carolina a few years ago, when, through the activity of some of its industries, that State brought a shipload of aliens over to work in the cotton mills of the State, and in perhaps less than 30 days from the time they landed and went to the mills they left them, went into the congested districts of the North, where their own people were. It is simply absurd to talk about the Government going into the business of distributing people into sections where they are not wanted and where they do not want to go. That kind of an agitation is being gotten up for the purpose, as I think, of trying to sidetrack and postpone the passage of legislation that will keep out that very kind of people. Take the people from the great Northwest. They do not need any inducement by the Government or by anyone else to carry them into sections where they thrive and where they build up the material prosperity of the sections to which they go.

The great Scandinavian people, who have built up to a marked degree the Northwest, did not think, when they came in in large numbers, of asking for Government aid to send them into the interior. The Germans and the Irish came, and many others of the desirable people from northwest Europe, and when they were scattering themselves over the country and aiding in its upbuilding and in the development of the country they were not aided. The man in my State that desires to make his home in Texas or in New Mexico or anywhere else is not asking to be helped, and yet it is proposed to help those who are coming here for the purpose, many of them, of bettering their financial condition and returning to the country whence they came. And those who are agitating the bringing of that class of people are the ones who are also agitating the distribution of them at the Government expense. I have always been liberal, Mr. Chairman, whenever the question of establishing stations for the protection of these people when they arrive in this country has been discussed. I have always been in favor of liberal appropriations.

I was sorry a few days ago, when some gentlemen who take the contrary view as to restriction were opposing the construction of an immigration station at Baltimore which would have been adequate for the care of the arriving aliens. When they come, and come voluntarily, I want our country to present to them the best conditions that we have. I do not believe in stimulating immigration. We all deprecate, as we claim, stimulated immigration; and yet that very idea is involved in the question of distribution. It is stimulating the distribution of these people to sections of the country that they themselves are not seeking; and I, for one, desire now to say that whenever an effort is made either to compel the General Government to pay any part of the maintenance of the insane from other countries or to pay any part of the expense of distributing them into other sections of the country, I shall raise my voice and cast my vote against it every time.

Mr. BRYAN. Mr. Chairman, will the gentleman yield there? Mr. BURNETT. Yes.

Mr. BRYAN. The gentleman stated a moment ago something about his view of the Progressive position with reference to the distribution of immigrants. One fact is that here a short time ago every Progressive on the floor, with the possible exception of one or two, voted for the literacy test in the gentleman's bill. Now does the gentleman assert that that bill is being held up—that is the rumor, at any rate—by President Wilson, and that the President is against it? Does the gentleman know whether that is true or not?

Mr. BURNETT. I do not; and I do not believe the President has ever said to anyone that he was opposed to that bill. I do not know why it is being sidetracked in the Senate, if it is being



sidetracked; but I do not believe that President Wilson, after the declarations he made a few years ago in a book which he wrote in criticizing the very class of people that would be kept out by the literacy test, will veto that bill or has said to anybody that he would do so.

Mr. BRYAN. The gentleman must admit that the Progressives helped him in the enactment of that bill.

Mr. BURNETT. Yes; every one except one of them, I think.

In regard to the first proposition, that of Government aid in the care of alien insane, I will say that a few weeks ago I received a letter from the governor of New York urging the passage of a law by Congress requiring the Federal Government to aid in their care and maintenance. I wrote him that the Burnett illiteracy-test bill if enacted into law would keep out thousands of this class of people, and yet the Members of Congress from New York City were loud in their opposition to this bill. This opposition showed their willingness to receive them, and yet when they get here they want the people of Alabama and other States to help support the insane who come in.

If they so readily open their gates to receive them, in the name of justice should they not be willing to support them?

I also received a resolution passed a short time ago by the New Hampshire Medical Society on May 13, 1914, asking "assumption by the Federal Government of an equitable share of the burden of caring for dependent aliens which is now borne by the States." An equitable share, indeed! Would it be equitable for States who are clamoring for the exclusion of these very people to be compelled to bear any part of the burden of the care and support of the paupers and lunatics forced into our country by the folly of Members of Congress? The annual expense of caring for the alien insane in New York alone is nearly \$3,000,000. This number is being each year greatly increased by the admission of that very low class of immigrants that the illiteracy test would keep out.

In the report of the New York Board of Alienists for the year ending September 30, 1911, on page 22, the following statement is made:

For the first few years after the commencement of that remarkable migration of the races of southern and eastern Europe to this country (to which Austria-Hungary, Italy, and Russia have contributed nearly 500,000 persons a year) it is noted that the increase of patients of those nationalities in the State hospitals was gradual. By 1905, however, it was possible to predict that when the effects of the "new immigration" commenced to be felt the "old immigration" (of Germans, Irish, and Scandinavians) would be outdone in the numbers of insane added to the foreign-born population of our State hospitals. To-day that prediction is fulfilled, and during the year more than 55 per cent of the aliens deported by the United States Immigration Service were natives of those three countries.

The New York Times of March 28, 1912, says:

#### INSANE ALIENS.

The Times is informed by Secretary McGarr, of the State commission in lunacy, that of the 31,432 insane patients under treatment in the 14 State hospitals on February 10 last, 13,163, or 41.9 per cent, were aliens. Foreign-born patients have increased since the Federal census of December 31, 1903, by 1,552, or 13.4 per cent. In the two State hospitals for the criminal insane there were 1,230 patients on February 10, of whom nearly 44.4 per cent were of alien birth; the Federal census of 1910 showed a percentage of aliens to total population in this State of 29.9 per cent.

The prevalence of insanity among immigrants is evidently much greater than among the native born. Of the 5,700 patients admitted to the civil hospitals for the year ending September 30, 1911, 2,737, or 48 per cent, were aliens, and 1,481, or 26 per cent, were of alien parentage, while only 1,224, less than 26 per cent, were of native stock. Of the whole number, the nativity of but 218, which is 3.8 per cent, was not ascertainable. Insanity among the foreign peoples of this city occurs in a still larger percentage of cases. Of the first admissions to the hospitals, 2,003 out of 3,221 residents of the city were of foreign birth; that is 64.1 per cent, although the foreign-born population is but 40.4 per cent of the whole.

Do other States want the same conditions to arise in their borders? Does Indiana want its insane asylums and poor-houses filled with low Italians and Greeks? If not, they should see to it that their Members vote right on the bill which, to a great extent, will prevent that condition. If the Government is made to pay the expense of distributing the aliens as they come in, the day will soon come when the poorer States will see their asylums, almshouses, and penitentiaries filled with the most undesirable lot that can be inflicted on any people. Last year over 1,300,000 aliens came to this country. The year before about the same. Within the last 10 years nearly 12,000,000 came in. The numbers are increasing every year. Suppose this continues for 10 years longer.

Suppose in the meantime the plan of Government distribution should be adopted. Then the Black Hand and the Mafia and Camorra will not be confined to New York and Chicago, but the lives of honest people in every State in the Union will be at the mercy of these assassins.

True, the Black Hand leaders would escape the illiteracy test, but it would keep out thousands of illiterates who are

easy tools and dupes in the hands of the leaders. Besides, other sections of the bill, if passed, would keep out the leaders themselves.

This idea of distribution is a delusion and a snare, and is intended to forestall legislation that would keep out the undesirable hordes that are flocking to our shores.

All plans for the distribution of immigrants have proved a failure wherever tried. Immigration distributes itself. As has often been pointed out, schemes to distribute immigrants have invariably been advocated by the steamship or transportation companies, or by persons who believe that we ought to have an unlimited supply of cheap labor, regardless of the maintenance of a high standard of living for American workmen.

The present Division of Information in the Bureau of Immigration I regard as a useless appendage, barren of beneficial results. The Immigration Commission, of which I was a member, investigated this question carefully, and reached the following conclusion:

The law of 1907 provided for the establishment of a division of information in the Bureau of Immigration, the intent being that the division should disseminate among admitted immigrants information relative to opportunities for settlers in sections of the country apart from cities and purely industrial centers. It was hoped that the division could devise means of inaugurating a movement among immigrants which would eventually result in their more equitable distribution. The apparent result, however, does not indicate that the purpose of the law is being fulfilled. As conducted, the work of the division appears to be essentially that of an employment agency whose chief function is supplying individuals to meet individual demands for labor in agricultural districts. It does not appear that persons thus distributed have, as a rule, been distributed with the purpose that they would become permanent settlers in the districts to which they went, but rather that a more or less temporary need of the employer and employee was supplied through this agency.

No satisfactory or permanent distribution of immigrants can be effected through any Federal employment system, no matter how widespread, because the individual will seek such social and economic conditions as best suit him, no matter where sent.

The distribution that is being made by soulless employers of labor is working grievous wrong and hardship to the old immigrant and the American workman. Look up the history of the recent reign of terror in the Colorado and Michigan strikes and you will find that they were brought about by the employment of the low-priced alien who drove out the old immigrant and the Americans who wanted a living wage to support and clothe those whom God had made dependent on them.

When will the country arouse from its lethargy and drive from Congress those who vote to weld the shackles on the hands of labor?

Mr. FITZGERALD. Mr. Chairman, I yield one minute to the gentleman from Virginia [Mr. CARLIN].

Mr. CARLIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting some remarks and a speech recently made on industrial conditions.

The CHAIRMAN. The gentleman from Virginia [Mr. CARLIN] asks unanimous consent to extend his remarks in the RECORD by inserting the remarks and speech indicated.

Mr. MANN. Mr. Chairman, no one could hear what the matter indicated was.

The CHAIRMAN. Some remarks and a speech made on the subject of industrial conditions.

Mr. MANN. Whose speech?

Mr. CARLIN. A speech of Secretary Redfield's, recently made.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GILLET. Mr. Chairman, I yield 15 minutes to the gentleman from South Dakota [Mr. BURKE].

The CHAIRMAN. The gentleman from South Dakota [Mr. BURKE] is recognized for 15 minutes.

[Mr. BURKE of South Dakota addressed the committee. See Appendix.]

Mr. BUCHANAN of Illinois. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum, and the Chair will count. [After counting.] Eighty-nine Members present—not a quorum.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 26 ayes and 42 noes.

Mr. FITZGERALD. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. FITZGERALD and Mr. GILLET.

The committee again divided; and the tellers reported that there were 15 ayes and 85 noes.

Mr. BUCHANAN of Illinois. Mr. Chairman, a parliamentary inquiry.



The CHAIRMAN. The gentleman will state it.

Mr. BUCHANAN of Illinois. Has a member of the committee, when he knows the count is wrong, the right to make a protest? When he knows that certain Members have voted twice is there any relief or remedy from a practice of that kind, a practice of Members that have probably been schooled in Tammany Hall?

Mr. FITZGERALD. The count of the tellers is absolutely correct. The gentleman from Illinois [Mr. BUCHANAN] and the chairman have not been counted. The gentleman from Illinois makes the point of no quorum, and then goes out so that he can not be counted.

Mr. BUCHANAN of Illinois. I am asking for information from the Chair, if the House of Congress is going to adopt the practices of Tammany Hall?

Mr. GOULDEN. The gentleman from Illinois has no right to make any such an untrue statement on the floor of Congress, and I enter my protest against it.

The CHAIRMAN. The Chair has no method of determining except from the report of the tellers.

Mr. BUCHANAN of Illinois. And there is no way to verify the count?

Mr. FITZGERALD. Yes; there is a way to verify the count; just let the gentleman from Illinois stay here instead of running out to avoid being counted and trying to reduce the number. He might be satisfied with his own count, although I doubt that.

Mr. BUCHANAN of Illinois. The gentleman from New York is mistaken; the gentleman from Illinois did not run out; and the gentleman from New York, as he did yesterday, is trying to defeat one of the most meritorious bills that has ever been before Congress, and these reactionaries from New York are following him and trying to kill legislation for the benefit of the laboring people of this country.

The CHAIRMAN. Answering the gentleman's parliamentary inquiry, the Chair will state that the Chair is dependent on the tellers for the report. The tellers report that there were 15 ayes and 85 noes.

Mr. GILLET. Mr. Chairman, I would like to be allowed to state that I counted not only the ayes but also the noes, and the count was absolutely correct. [Applause.]

Mr. BUCHANAN of Illinois. And I want to repeat my statement. Mr. Chairman, that the count was incorrect; I can count as well as the tellers.

The CHAIRMAN. The gentleman from Illinois will be in order.

Mr. HEFLIN. Mr. Chairman, the count was 15 ayes and 85 noes, and I just came from the Senate Chamber, and I asked a page to notify Members of the House in there, and they came in after the report.

The CHAIRMAN. The matter is settled; the report of the tellers is final.

Mr. FOWLER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. Was the count on a quorum or on the question as to whether the committee would rise or not?

The CHAIRMAN. On the question as to whether the committee would rise.

Mr. FOWLER. The Chair has not so reported.

The CHAIRMAN. The Chair stated that the noes had it. The committee determines not to rise, and the Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.* That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed, for the fiscal year ending June 30, 1915, namely:

Mr. FITZGERALD. Mr. Chairman, from time to time the Treasury Department is sending estimates here for additional sums for public buildings where arrangements have been completed to acquire sites which are authorized. I ask unanimous consent that the public-buildings items included in the first 19 pages of the bill be passed over until the end of the bill, so that as official estimates come in an opportunity may be had to investigate them and offer such amendments as may be proper.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the public-buildings items appearing from page 2 to line 21 on page 19, inclusive, be passed over without prejudice. Is there objection?

Mr. BUCHANAN of Illinois. I object.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will read.

The Clerk read as follows:

UNDER THE TREASURY DEPARTMENT.  
PUBLIC BUILDINGS, CONSTRUCTION AND SITES.  
For sites, commencement, continuation, or completion of public buildings within the respective limits of cost authorized by law, including rent and removal expenses in cities pending extension and remodeling of buildings, as follows:

Mr. MANN. Mr. Chairman, I move that the items in the bill from page 2 down to and including line 21, page 19, be postponed for consideration until after section 14 has been read.

The CHAIRMAN. The gentleman from Illinois moves that the public-buildings items, from page 2 down to and including line 21, page 19, be postponed until after section 14 is read.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

QUARANTINE STATIONS.

The provision in the sundry civil act approved June 23, 1913, which reads as follows: "Cape Charles Quarantine Station: Residence for quarantine officer, \$8,000," is amended so as to authorize the Secretary of the Treasury, in his discretion, to cause such residence to be erected upon land now owned by the United States at Fort Monroe, Va.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman what the object is in moving the residence of the officer in charge of the quarantine station at Cape Charles from a place where it would be convenient to put it over to where the Government now owns land, I suppose where Fort Monroe is, where he would have to be conveyed back and forth every day probably by Government vessels?

Mr. FITZGERALD. Mr. Chairman, under the original authorization it was intended to put this residence at Fort Monroe. When an attempt was made to erect a station, as intended and as was explained when the appropriation was originally made, it was ascertained that there was some doubt whether the expenditures for the residence at that particular place should be approved. This item was to carry out what was intended should be done when the appropriation was made in the last sundry civil appropriation bill.

Mr. MANN. Where is this quarantine station located?

Mr. FITZGERALD. On Fishermans Island.

Mr. MANN. How far is that from the point?

Mr. FITZGERALD. It is not very far. It is out in the bay.

Mr. MANN. It is quite a ride from Fort Monroe to this place. My recollection is that it takes several hours to make it, and of course it requires the services of a cutter or a quarantine boat, and it will take that much longer than it would if the officer lived within a reasonable distance from the quarantine station. What is the object in locating the residence of the quarantine officer a good many miles away from where he has to perform his duties?

Mr. FITZGERALD. The intention was to have the quarantine officer commence boarding at sunrise, and the boat leaves Fort Monroe to meet the incoming vessels.

Mr. MANN. Does that boat run into Norfolk every night? Of course, that is where the boat goes, if it goes in. Why should the quarantine boat go into Norfolk every night instead of tying up at the quarantine station?

Mr. FITZGERALD. This is not into Norfolk. It is into Chesapeake Bay.

Mr. MANN. When Government vessels go into Fort Monroe, they tie up at Norfolk, as a rule. There is no place for them to tie up at Fort Monroe that I know of.

Mr. FITZGERALD. Vessels going up the Potomac are boarded at this point.

Mr. MANN. I imagine the quarantine officers do not wait to board a vessel going up the Potomac River until it gets into the Potomac River. They board the vessel out at sea.

Mr. FITZGERALD. The statement is that the vessel on which he boards leaves Fort Monroe, and the desire is to have the officer reside there so that he could start out at sunrise.

Mr. MANN. Of course, it is natural for the officer to prefer to reside at a military camp where there are a lot of military officers, and have a nice home there, although it is not convenient to his place of business, and then have the Government vessel spend some hours every day taking him to and fro so as to get him to his place of business from where he lives at night. It does not strike me as very economical, nor do I think we ought to run the whole business of the Government based on the fancy of an officer that he wants to live where the other officers live.

Mr. FITZGERALD. The quarantine officer resides at present, it was stated last year to the committee, in an old hulk which is anchored off Fort Monroe. On several occasions the vessel broke away and drifted out with the doctor's outfit, and a rescuing party had to be sent after it. The statement was made that it was desired to have a physician at Fort Monroe. Fishermans Island is 19 miles across the bay, but the physician has been residing not on Fishermans Island but in this old hulk.

Mr. MANN. Is not Fishermans Island where the physician ought to reside?

Mr. FITZGERALD. I do not know.



Mr. MANN. If they have a quarantine station there, why should not the officer in charge of it live at that quarantine station instead of our having to convey him every day by vessel 19 miles at considerable expense necessarily?

Mr. FITZGERALD. They say it is necessary to have a physician on shore in the daytime where he can receive messages and be in touch with his work. When the station was authorized a residence was authorized and the intention was to place it at Fortress Monroe. Under the provision as worded it could not be built there, and this is to permit them to put the physician on shore at Fortress Monroe. It may be just as well to leave him in the old hulk or to put him at Fishermans Island, but the Public Health Service seemed to believe it was desirable and essential that this residence should be at this particular point.

Mr. MANN. Mr. Chairman, I do not wish to set my judgment up against the judgment of the committee, although I can not see that they have very good judgment in regard to the matter, and I shall withdraw the pro forma amendment. I can understand how an officer in the service likes to live near the Hotel Chamberlin at Old Point Comfort. It makes it very pleasant in the evening for social engagements and things of that sort, but it is a long way from where he is performing his duty. He wants to build a residence there, and I take it that is where it will be built—over where the residences of the officers of the Army are, convenient to the crowds that gather at the Chamberlin Hotel during the season.

Mr. FITZGERALD. I think that might make it more congenial.

Mr. MANN. I have no doubt it makes it more congenial, but I am afraid not more effective.

Mr. FITZGERALD. The Surgeon General of the Public Health Service insisted it was highly desirable to have the residence at Fort Monroe, that all of the quarantine work for Norfolk, Newport News, Hampton, Smithfield, and Richmond should be done from that station.

As to whether a message can be received from the one at Fishermans Island I am unable to say. This seems to be the opinion of those in control of the service, and it is the intention to build a residence at this place and this enables it to be done.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

**PUBLIC BUILDINGS, REPAIRS, EQUIPMENT, AND GENERAL EXPENSES.**

Repairs and preservation: For repairs and preservation of all completed and occupied public buildings and the grounds thereof, under the control of the Treasury Department, and for wire partitions and fly screens therefor, Government wharves and piers under the control of the Treasury Department, together with the necessary dredging adjacent thereto, buildings and wharf at Sitka, Alaska, and the Secretary of the Treasury may, in renting said wharf, require that the lessee shall make all necessary repairs thereto; for care of vacant sites under the control of the Treasury Department, such as necessary fences, filling dangerous holes, cutting grass and weeds, but not for any permanent improvements thereon; for repairs and preservation of buildings not reserved by vendors on sites under the control of the Treasury Department acquired for public buildings or the enlargement of public buildings, the expenditures on this account for the current fiscal year not to exceed 15 per cent of the annual rentals of such buildings: *Provided*, That of the sum herein appropriated not exceeding \$100,000 may be used for marine hospitals and quarantine stations, including wire partitions and fly screens for same, and not exceeding \$14,000 for the Treasury, Butler, and Winder Buildings at Washington, D. C., including the old building of the Bureau of Engraving and Printing: *Provided further*, That this sum shall not be available for the payment of personal services except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of \$100 at any one building, \$725,000.

Mr. MADDEN. Mr. Chairman, I reserve a point of order against the paragraph for the purpose of asking the gentleman from New York what is meant by the words "building and wharf at Sitka, Alaska, and the Secretary of the Treasury may, in renting said wharf, require that the lessee shall make all necessary repairs thereto." What is the purpose of this? Is the Government going to embark in the building of a wharf for the purpose of leasing it to somebody else?

Mr. FITZGERALD. This is a little old frame building with a wharf. The department wanted to sell it for some nominal sum. This provision is placed in this item so as to prevent the Treasury Department from engaging in extensive repairs to the wharf at Sitka, Alaska. The provision for the lease has been such that the lessee is required to make all the repairs and permit the Government boat to dock at this wharf. The department prefers to have this changed and permit them to turn it over to the city of Sitka, if I recall correctly, but the committee did not think it wise to do so.

Mr. MADDEN. The Government owns this wharf now?

Mr. FITZGERALD. This provision has been carried in this item for some years, and is to prevent the use of this appropriation for a very large expenditure.

Mr. MADDEN. Mr. Chairman, I withdraw the point of order. The Clerk read as follows:

General expenses: To enable the Secretary of the Treasury to execute and give effect to the provisions of section 6 of the act of May 30, 1908 (35 Stats., p. 537, pt. 1): For additional salary of \$1,000 for the Supervising Architect of the Treasury for the fiscal year 1915; for one architectural designer, at \$6,000 per annum; for foremen draftsmen, architectural draftsman, and apprentice draftsmen, at rates of pay from \$480 to \$2,500 per annum; for structural engineers and draftsmen, at rates of pay from \$840 to \$2,200 per annum; for mechanical, sanitary, electrical, heating and ventilating, and illuminating engineers and draftsmen, at rates of pay from \$1,200 to \$2,400 per annum; for computers and estimators, at rates of pay from \$1,600 to \$2,500 per annum, the expenditures under all the foregoing classes for which a minimum and maximum rate of compensation is stated, not to exceed \$168,450; for supervising superintendents, superintendents, and junior superintendents of construction and inspectors, at rates of pay from \$1,600 to \$2,900 per annum, not to exceed \$278,960; for expenses of superintendence, including expenses of all inspectors and other officers and employees, on duty or detailed in connection with work on public buildings and the furnishing and equipment thereof, under orders from the Treasury Department; office rent and expenses of superintendents, including temporary stenographic and other assistance in the preparation of reports and the care of public property, etc.; advertising; office supplies, including drafting materials, specially prepared paper, type-writing machines, adding machines, and other mechanical labor-saving devices, and exchange of same; furniture, carpets, electric-light fixtures and office equipment; telephone service; not to exceed \$6,000 for stationery; not to exceed \$1,000 for books of reference, law books, technical periodicals and journals, subscriptions to which may be paid in advance; for contingencies of every kind and description, traveling expenses of site agents, recording deeds and other evidences of title, photographic instruments, chemicals, plates, and photographic materials, and such other articles and supplies and such minor and incidental expenses not enumerated, connected solely with work on public buildings, the acquisition of sites, and the administrative work connected with the annual appropriations under the Supervising Architect's Office as the Secretary of the Treasury may deem necessary and specially order or approve, but not including heat, light, janitor service, awnings, curtains, or any expenses for the general maintenance of the Treasury Building, or surveys, plaster models, progress photographs, test pit borings, or mill and shop inspections, \$563,560.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. On page 23 I discover that there is a provision for the increase of the architect's salary for the coming year of \$1,000. What is the necessity for that increase?

Mr. FITZGERALD. It has been carried in this way for a great many years. The salary of \$5,000 is carried in the legislative bill. For a number of years since the work of the Supervising Architect's Office has been very greatly increased an additional \$1,000 has been carried in this item.

Mr. FOWLER. I discover also that the gentleman provides for a salary of \$6,000 for an architectural designer.

Mr. FITZGERALD. That place is authorized by law. It is authorized in the last public-buildings act.

Mr. FOWLER. Is it authorized at the salary of \$6,000?

Mr. FITZGERALD. Yes; in the public-buildings act approved March 4, 1913. I can refer the gentleman to it, if he desires—section 28, "that the employment is hereby authorized of an architectural designer at a compensation of \$6,000 per annum."

Mr. FOWLER. Well, the matter which occurs to me, in reference to the compensation, is that these men, whom I regard as holding subordinate positions, get a greater salary than the First, Second, Third, and Fourth Assistant Postmasters General of the Post Office Department.

Mr. FITZGERALD. Yes. The technical services rendered by these men are of such a character that this designer was provided in order to avoid, if possible, or as much as possible, the employment of certain outside architects at very large fees. After the repeal of the Tarsney Act, by which the Secretary of the Treasury was authorized, in his discretion, to employ outside architects for any public building, it was believed that a man of very high skill and capacity should be employed in the Supervising Architect's Office and a saving would be effected. That position was created in the public-buildings bill.

Mr. FOWLER. I have no doubt but what a high degree of skill is required there, but I also believe there is a good deal of lapping over in work. I can see no reason why the design for a certain building can not be used in many places instead of making a design for each building.

Mr. FITZGERALD. Well, they are doing that now.

Mr. FOWLER. That is a recent thing, is it not?

Mr. FITZGERALD. Within the last two or three years.

Mr. FOWLER. That is what I meant. I shall not make the point of order against the additional \$1,000, but I do not think it ought to be carried here, and I do not think that these subordinate places should receive a salary above those of great responsibility, such as the First, Second, Third, and Fourth Assistant Postmasters General.



Mr. FITZGERALD. The recommendation of the Public Buildings Commission, I think, is that the compensation of this position should be increased to \$7,500. We are spending about \$20,000,000 a year in the construction of public buildings in the United States, and the responsibility, I think, is much greater than that of any of the positions mentioned by the gentleman from Illinois, because a competent man can save a very considerable sum of money every year, while an incompetent man makes the whole building program of the Federal Government almost approach a scandal.

Mr. FOWLER. Why, the efficiency of the Post Office Department ought to be such as to handle more than \$300,000,000 economically, because that is the appropriation this year. The gentleman speaks about efficiency—

Mr. FITZGERALD. I think, however, that the technical knowledge required by men engaged in construction commands a higher compensation than other positions. Men do not seek such positions because of the honor as they do the other places. They seek them because it is part of their professional work.

Mr. FOWLER. And because they are remunerative.

Mr. MADDEN. This is a real workman's job.

Mr. FOWLER. I know that, and that is the reason I am not going to make the point of order. If it was a playhouse job, I would make the point of order.

Mr. MADDEN. This is a workman's job, and really I do not know of a job that requires greater technical knowledge.

Mr. FOWLER. It does, and we want to get the very highest order of efficiency in these public servants, and they ought to have a good salary.

Mr. MADDEN. You can not employ that kind of a man without paying him good compensation for the responsibility and the knowledge required by it.

Mr. FOWLER. I agree with the gentleman.

Mr. MADDEN. You do not have to get that same kind of talent for an Assistant Postmaster General.

Mr. FOWLER. I am sorry I can not agree with my colleague.

Mr. MADDEN. A man to be appointed one of the Assistant Postmasters General requires no technical knowledge whatever; all they need is to be good looking and have some political influence.

Mr. FOWLER. My experience is that the heads and chiefs of nearly everything, like the chief cook, is always a good-looking fellow or a good-looking woman, but the subordinates are really the ones who have the efficiency and have the lash put to them if they do not do the work correctly.

Mr. MADDEN. They are the men who tell the superior officer how to do it.

Mr. FOWLER. I withdraw the point of order.

The Clerk read as follows:

#### PUBLIC BUILDINGS, OPERATING EXPENSES.

Operating force: For such personal services as the Secretary of the Treasury may deem necessary in connection with the care, maintenance, and repair of all public buildings under the control of the Treasury Department (except as hereinafter provided), together with the grounds thereof and the equipment and furnishings therein, including assistant custodians, janitors, watchmen, laborers, and charwomen; engineers, firemen, elevator conductors, coal passers, electricians, dynamo tenders, lampists, and wiremen; and for the mechanical labor force in connection with said buildings, including carpenters, plumbers, steam fitters, machinists, and painters, but in no case shall the rates of compensation for such mechanical labor force be in excess of the rates current at the time and in the place where such services are employed, \$2,600,000: *Provided*, That the foregoing appropriation shall be available for use in connection with all public buildings under the control of the Treasury Department, including the customhouse at Washington, D. C., but not including any other public building within the District of Columbia, and exclusive of marine hospitals, quarantine stations, mints, branch mints, and assay offices.

Mr. BUCHANAN of Illinois. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-three gentlemen are present; not a quorum. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Alney	Campbell	Danforth	Finley
Allen	Cantrill	Davenport	Floyd, Ark.
Anderson	Decker	Dershem	Fordney
Anberry	Carlin	Dies	Francis
Anthony	Carter	Difenderfer	Frear
Barnhart	Casey	Dooling	Gallagher
Bartholdt	Chandler, N. Y.	Doremus	Gardner
Bell, Cal.	Church	Doughton	George
Bell, Ga.	Clancy	Drukker	Gerry
Borland	Clark, Fla.	Dyer	Gittins
Brodbeck	Copley	Eagan	Glass
Browning	Covington	Elder	Goeke
Bruckner	Cramton	Fairchild	Goldfogle
Burke, Pa.	Crisp	Faison	Goodwin, Ark.
Calder	Crosser	Fess	Gordon
Callaway	Dale		Gorman

Graham, Ill.	Konop	Nelson	Small
Graham, Pa.	Korby	Nolan, J. I.	Smith, Md.
Greene, Mass.	Kreider	Norton	Smith, Sam'l W.
Griest	Lafferty	O'Brien	Smith, Minn.
Griffin	Langham	O'Leary	Smith, N. Y.
Hamill	Langley	O'Hair	Smith, Tex.
Hamilton, N. Y.	Lazaro	Oldfield	Sparkman
Hardwick	Lee, Ga.	O'Shaunessy	Stafford
Hart	L'Ensele	Page, N. C.	Stanley
Hayes	Lenroot	Palce, Mass.	Stephens, Nebr.
Helgesen	Levy	Palmer	Stephens, Tex.
Helm	Lewis, Pa.	Parker	Stevens, N. H.
Helvering	Lieb	Patton, N. Y.	Stout
Henry	Lindquist	Payne	Stratner
Hinebaugh	Lloyd	Peters, Me.	Talbot, Md.
Howard	Lobeck	Peters, Mass.	Taylor, Ala.
Hoxworth	Loft	Plumley	Taylor, N. Y.
Hughes, W. Va.	Loneragan	Porter	Thomas
Humphreys, Miss.	McClellan	Ragsdale	Towner
Igoe	McCoy	Reed	Tuttle
Jacoway	McGuire, Okla.	Riordan	Underhill
Johnson, Utah	McLaughlin	Roberts, Mass.	Vare
Jones	Mahan	Rozers	Vaughan
Kahn	Maher	Rothermel	Walker
Kelster	Manahan	Rucker	Wallin
Kelley, Mich.	Martin	Sabath	Watson
Kelly, Pa.	Merritt	Saunders	Webb
Kennedy, Conn.	Metz	Scully	Whaley
Kennedy, R. I.	Miller	Sharp	Whitacre
Kent	Mondell	Sherley	White
Key, Ohio	Montague	Shreve	Wilson, N. Y.
Kless, Pa.	Moore	Sims	Winslow
Kindel	Morgan, La.	Sinnot	Woods
Kinkaid, Nebr.	Morin	Slayden	Young, N. Dak.
Kinkaid, N. J.	Murray, Mass.	Sloan	Young, Tex.
Kirkpatrick	Neeley, Kans.		
Knowland, J. R.			

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. ASHEROOK, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having under consideration the bill H. R. 17041, finding itself without a quorum, he had caused the roll to be called, and that 223 Members answered to their names, a quorum, and that he presented a list of the absentees for printing in the Journal.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. Some two years ago I introduced in the House a bill for the purpose of creating a national park out of the territory in which Mount Lassen and Cinder Cone are located. I have been attempting to get that matter out of the committee—

Mr. MANN. I make the point of order against that. It is not in order.

Mr. RAKER. I know it is not; but I thought I would try it. Mr. MANN. The gentleman is not speaking to the paragraph of the bill under consideration. I have no desire to enforce the point of order unless it is the intention of the gentleman from New York [Mr. FITZGERALD] to enforce it against this side. I am not willing to let gentlemen on that side discuss questions out of order and then have the rule enforced against Members on this side.

Mr. GARNER. I think the gentleman ought to protect that side of the House against violations of the rule, and we will do so on this side.

Mr. FITZGERALD. I did not object to this, Mr. Chairman. The gentleman from California [Mr. RAKER] speaks so seldom that I thought it would be all right now.

Mr. MANN. That is not sufficient for me. I want to know whether the gentleman is going to enforce the rule on gentlemen on this side of the House, because if he is I am going to enforce it against gentlemen on that side of the House. I make the point of order.

The CHAIRMAN. The gentleman from Illinois makes the point of order.

Mr. RAKER. Mr. Chairman, under the point of order made by the distinguished leader on the other side of the House, I withdraw my motion to amend, as the point of order is undoubtedly well taken.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

#### LIFE-SAVING SERVICE.

For district superintendents of life-saving and lifeboat stations and houses of refuge, as follows: Maine and New Hampshire, 1, \$2,200; Massachusetts, 1, \$2,200; Rhode Island and Fishers Island, 1, \$2,000; Long Island, 1, \$2,200; New Jersey, 1, \$2,200; Delaware, Maryland, and Virginia, 1, \$2,200; North Carolina and South Carolina, 1, \$2,200; Georgia, and Florida, 1, \$1,900; Gulf of Mexico, 1, \$2,000; Lakes Ontario and Erie, 1, \$2,200; Lakes Huron and Superior, 1, \$2,200; Lake Michigan, 1, \$2,200; California, Oregon, Washington, and Alaska, 1, \$2,200; 13 in all, \$27,900.

Mr. MANN. Mr. Chairman, I reserve a point of order on that item at the bottom of page 29. I would like to ask the gentleman if the title of the superintendents of life-saving stations have been changed.



Mr. FITZGERALD. They have not been changed.

Mr. MANN. The gentleman carries the title here, "district superintendents of life-saving and lifeboat stations and houses of refuge." When were those words added to the title of superintendents of life-saving stations?

Mr. FITZGERALD. That is in the current law.

Mr. MANN. No; it has never been carried in the current law heretofore.

Mr. FITZGERALD. We have changed the arrangement; that is all.

Mr. MANN. I understand the arrangement has been changed, and I have no objection to that, but the title used to be, and I think still is, "district superintendents of life-saving stations." There is one to each district. Now, you carry it as "district superintendents of life-saving and lifeboat stations and houses of refuge." It is true that these district superintendents have under their control some lifeboat stations and some houses of refuge, but I think that is not their title, and this is merely descriptive of the title of those officials.

Mr. FITZGERALD. Formerly it was "district superintendent of life-saving stations, as follows." Then we would enumerate the life-saving stations.

Mr. MANN. It should still be "for district superintendents of life-saving stations."

Mr. FITZGERALD. Then would come a "superintendent of a house of refuge"—that would be another title—and then "for life-saving and lifeboat stations." There are titles corresponding to that. Some have no houses of refuge. The arrangement is merely changed. I do not think it affects in any way the substance of it, but it eliminates the repetition of the words.

Mr. MANN. I understand they have under their control certain life-saving stations, certain lifeboat stations, and certain houses of refuge; but the title of the officer is "district superintendent of life-saving stations."

Mr. FITZGERALD. I call the attention of the gentleman to the fact that in the current law there was this: "For district superintendent of life-saving station."

Mr. MANN. That is the title of the officer.

Mr. FITZGERALD. That is one.

Mr. MANN. That is proper. That is the one you make appropriation for.

Mr. FITZGERALD. "District superintendent" is the title of the office.

Mr. MANN. "District superintendent of life-saving station" is the title of the office, and it covers, for instance, the life-saving station and the house of refuge on the coast of South Carolina, Georgia, and Florida. But you do not wish to change the title of the office?

Mr. FITZGERALD. No; we do not wish to change it.

Mr. MANN. You have changed it in this appropriation.

Mr. FITZGERALD. In order to eliminate the repetition of certain words this modification was made, and the item was submitted to the department officials, and they said it would not affect the occupants of the places.

Mr. MANN. I understand. I suppose that is true, and I should say that the district superintendent of a life-saving station carried in this bill, for example, for the life-saving station in the South Carolina district, would still have jurisdiction over the houses of refuge. I am not going to insist upon the point of order.

Mr. GARNER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Does the gentleman from Illinois withdraw his point of order?

Mr. MANN. Yes; I withdraw it.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. GARNER. What is the object of having different salaries for similar places in this paragraph?

Mr. MANN. The salaries are fixed by statute, I will say to the gentleman—a very good reason.

Mr. FITZGERALD. The compensation is fixed by statute, and I think it depends upon the importance of the station or of the district, rather. Some districts have a number of stations and a great deal of work and others have not so much.

Mr. GARNER. One of them coming under my observation is the district of the Gulf of Mexico. I do not know who the superintendent is, when he was appointed, or where he comes from, but I know he covers as much territory and puts in as many hours as the superintendent of any district in the United States.

Mr. FITZGERALD. The cost of living is cheaper there.

Mr. GARNER. That can not be the reason. The gentleman's reason for the difference in the salary does not hold good. He first said it was the importance of the station and the importance of the work done.

Mr. FITZGERALD. The coast there is not so dangerous.

Mr. MADDEN. It is protected by Angora wool. [Laughter.]

Mr. GARNER. It is not protected by the gentleman from Illinois [Mr. MADDEN]. He is far distant from it.

Mr. FITZGERALD. It is a matter that should be taken up with the committee that has jurisdiction of the subject. We can not fix the compensation.

Mr. GARNER. I wanted to see if it was the importance of the station and the amount of work done or the energy of the Congressman representing the district.

Mr. FITZGERALD. I think not, because if it depended upon the ingenuity of the Congressmen and their activity I am sure the Gulf station would have a much higher compensation than any other. [Laughter.]

Mr. MANN. The hardships on the Gulf coast are not as great as those at other stations.

Mr. GARNER. I am not convinced by the statement of the gentleman from New York. In glancing over this bill I find in stations close together a difference in salary of as much as \$200. It occurs to me that in arranging those salaries it might be dependent on the activity of the Congressman representing the district.

Mr. MANN. I assure the gentleman from Texas that the activities of the Congressmen had nothing whatever to do with the case. Those salaries were fixed by a bill which was framed and reported out by the Committee on Interstate and Foreign Commerce, based largely on the work and the hardships that these men perform. They are sometimes transferred, but not often, from one station to another. They used to be. Their salaries were fixed upon the recommendation of the department at the time they were fixed.

Mr. GARNER. The gentleman from Illinois [Mr. MANN] says it depends upon the work and the hardships. What does he term "the work and the hardships"?

Mr. MANN. I will say this: It is much less of a hardship to be the superintendent of a life-saving station on the Gulf coast than it is on the coast of Maine.

Mr. GARNER. Yes. But here on the Virginia and North Carolina coast, 300 miles away, with the same climatic conditions, you have a \$2,000 job and a \$2,200 job.

Mr. MANN. We have in Virginia and North Carolina one of the worst coasts there is anywhere. In the case of the superintendent of the district covering Virginia and North Carolina the salary is \$2,200.

Mr. GARNER. No; \$1,900.

Mr. MANN. Two thousand two hundred dollars. The gentleman from Texas can not tell me that, because I know otherwise.

Mr. GARNER. Virginia and North Carolina, \$2,200; South Carolina, Georgia, and Florida, \$1,900.

Mr. MANN. The gentleman admits that the coast along South Carolina, Georgia, and Florida is a simple and safe coast to take care of, compared with the North Carolina coast?

The CHAIRMAN. The time of the gentleman has expired. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

For establishing new life-saving stations and lifeboat stations on the sea and lake coasts of the United States, authorized by law, \$25,000, to be available until expended.

Mr. MANN. Mr. Chairman, I move to insert after the word "States" and before the word "authorized," in line 20, page 31, the word "when."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 31, line 20, by inserting after the word "State" the word "when."

Mr. MANN. It should come before the word "authorized," after the comma.

Mr. FITZGERALD. These are for the life-saving stations that are already authorized.

Mr. MANN. It should read:

When authorized by law.

Mr. FITZGERALD. There are certain stations already authorized.

Mr. MANN. That would be covered. I do not mean when authorized hereafter.



Mr. FITZGERALD. It is unnecessary.

Mr. MANN. I think the fact is that under this appropriation, which is intended to provide for the construction of life-saving stations that are authorized by law, they use the language—

Authorized by law—

as meaning authorized by this appropriation, and go ahead and construct a station without any authorization of law whatever.

Mr. FITZGERALD. There has not been any instance of that character.

Mr. MANN. Where were the new stations authorized last year? I know there have been cases where stations have been constructed, with no previous authorization of law.

Mr. FITZGERALD. There is one station at Seagate, N. Y.

Mr. MANN. When was that authorized by law?

Mr. FITZGERALD. There are three stations authorized—one at Seagate, N. Y.; one at Mackinac Island, Mich.; and one at Half Moon Bay, Cal. They were authorized in the act of August 24, 1912. There is another for Liberty Island. No attempt has been made to select a site there. There is a balance of \$37,000, and with the \$25,000 appropriated in this bill they expect to complete the four stations.

Mr. MANN. This item is carried every year, is it not?

Mr. FITZGERALD. Not every year.

Mr. MANN. How were these three stations authorized in 1912?

Mr. FITZGERALD. They were carried in some bill reported from the Committee on Interstate and Foreign Commerce.

Mr. MANN. The gentleman may be correct, but I doubt it.

Mr. FITZGERALD. We do not provide for them unless they are authorized.

Mr. MANN. I know the gentleman does not endeavor to provide for unauthorized stations, but some stations have been constructed without any authorization of law.

Mr. FITZGERALD. In 1906 there was an appropriation of \$30,000. The next appropriation was in 1911, of \$20,000. There was one in 1912 of \$20,000. There was none for 1913. For the current year there is an appropriation of \$20,000.

Mr. MANN. For the current year, \$20,000?

Mr. FITZGERALD. Yes. They have an unexpended balance of \$37,000. The estimate was for \$62,000, to complete these four stations. There are some other stations which have been authorized, some of them as far back as 1872.

Mr. MANN. Certainly the committee does not intend to appropriate money to build stations that were authorized in 1872.

Mr. FITZGERALD. No. That is one of the reasons why appropriations have been eliminated in certain years. The act approved August 24, 1912, provides for the establishment of one life-saving station on the larger of the two Liberty Islands situated at the entrance to Machias Bay, Me.; one life-saving station at Half Moon Bay, Cal.; one life-saving station at Mackinac Island, Mich.; and one life-saving station at or near Seagate, N. Y.; and it provides for increased facilities at the quarantine station at Portland, Me.

Mr. MANN. They are to cost about \$15,000 for each station?

Mr. FITZGERALD. It is estimated they will cost about that. I am inclined to think that some of them will cost more than \$15,000.

Mr. MANN. Which would provide for a pretty fanciful life-saving station.

Mr. FITZGERALD. The increased cost of some of the stations is due to the fact that because of the character of the landing place it is necessary to have somewhat expensive launching ways. When there is no beach, it is necessary to launch into deep water from ways, or by some apparatus, and the statement is made that the cost is thus increased considerably. Most of the stations consist of a single building with the life-saving apparatus occupying the ground floor and the living quarters in the upper portion. A good many stations, however, have a boathouse separate from the building in which the crew resides. That seems to be a more desirable condition when it is possible.

Mr. MANN. Mr. Chairman, I ask to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

#### REVENUE-CUTTER SERVICE.

For pay and allowances of captain commandant and officers of that rank, senior captains, captains, lieutenants, engineer in chief and officers of that rank, captains of engineers, lieutenants of engineers, 2 constructors, not exceeding 14 cadets and cadet engineers, who are hereby authorized, 2 civilian instructors, and pilots employed, and rations for pilots; for pay of warrant and petty officers, ships' writers, buglers,

seamen, oillers, firemen, coal heavers, water tenders, stewards, cooks, and boys, and for rations for the same; for allowance for clothing for enlisted men; for fuel for vessels, and outfits for the same; ship chandlery and engineers' stores for the same; actual traveling expenses or mileage, in the discretion of the Secretary of the Treasury, for officers traveling on duty under orders from the Treasury Department; commutation of quarters; for maintenance of vessels in the protection of the seal fisheries in Bering Sea and the other waters of Alaska, and the enforcement of the provisions of law in Alaska; for maintenance of vessels in enforcing the provisions of the acts relating to the anchorage of vessels in the ports of New York and Chicago, and in the Kennebec River, and the movements and anchorage of vessels in St. Marys River; for temporary leases and improvement of property for revenue-cutter purposes; not exceeding \$5,000 for the improvement of the depot for the service at Arundel Cove, Md.; not exceeding \$150 for medals for excellence in marksmanship; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and all other necessary miscellaneous expenses which are not included under special heads, \$2,350,000: *Provided*, That hereafter ration supplies may be purchased by the cabin, wardroom, and warrant officers' messes and payment therefor made in cash to the commissary officer; the prices to be charged for such supplies shall not be less than the invoice prices, and the cash received from such sales shall be accounted for on the ration return and may be expended for the general mess.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I wish the gentleman from New York would give us some information about the proviso.

Mr. FITZGERALD. Capt. Berthold stated that the law provides rations for the crew. Sometimes the ships have to leave port suddenly and there is not sufficient mess stores in the cabin and wardroom for the officers' mess, for which the officers pay and the Government does not. On such occasions they draw from the general mess maintained for the seamen, for which the Government does pay. When they do that the money must be turned in as miscellaneous receipts, but it curtails to that extent the appropriation for the mess for the crew. This is to enable the officers when at sea or on the vessel to purchase from the stores for the crew, and that that money may be utilized in replacing the stores so purchased.

Mr. MANN. Is it not almost invariable that the officers who make the purchase of seamen's mess will purchase in many cases such articles as they desire for the officers and carry these purchases on the ship, and then if the officers want them they take them, and if they do not want them they do not take them?

Mr. FITZGERALD. It may be subject to some abuses, but I doubt it. It amounts to a very little sum in the course of a year. From the explanation given, it seems to be very desirable that the officers be given this opportunity, and at the same time by taking these stores from the crew's mess the fund available for the mess for the crew ought not to be diminished.

Mr. MANN. It would amount to a very small sum now, and the reason given is a very good one, if it does not lead to the system of having all the supplies for the officers' mess purchased as a part of the seamen's mess and carried on board the ship and delivered to the officers as they want them, because they have no longer any reason for not making the purchases, and the money that comes in will be available for that purchase.

Mr. FITZGERALD. Perhaps some provision might be inserted to guard against abuse, but the showing made by the head of the Revenue-Cutter Service seemed to indicate that it was a desirable provision for them. It differs from the situation in regard to the Army and the Navy officers who purchase supplies on shore. It is only intended for use on the ships.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, \$150,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue.

Mr. FOWLER. Mr. Chairman, I offer the following amendment to come in at the end of the paragraph.

The Clerk read as follows:

Amend, page 35, at the end of line 21, by inserting the following: "Provided further, That the Attorney General is hereby authorized and directed to pay, as rewards, 10 per cent of any sum which may be recovered in the nature of penalties, fines, forfeitures, or otherwise to the person or persons who shall first furnish evidence of the violation of any of the antitrust laws, resulting in the recovery of penalties, fines, forfeitures, or recoveries."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that is not authorized by law and it is not germane to this part of the bill.

Mr. FOWLER. Mr. Chairman—

The CHAIRMAN. The Chair thinks it is clearly subject to the point of order.

Mr. FOWLER. Mr. Chairman, the amendment may be subject to a point of order, but it deals with the same question that the paragraph itself deals with; that is, the question of



paying for information leading to violations of the customs-revenue laws. The paragraph is subject to a point of order. If the amendment is germane to the subject matter, no point of order against it will lie. I would be very glad if the chairman of this committee would consent to the adoption of the amendment. I think it is necessary.

Mr. MADDEN. It is a good amendment.

Mr. FOWLER. It is a splendid amendment. If the distinguished gentleman from New York will withhold his point of order, I think I can convince him that it is necessary and that it should be adopted here.

Mr. FITZGERALD. That is all the more reason why I should insist upon the point of order.

Mr. FOWLER. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD] is a student of economics, and I know he is anxious to reduce expenditures of this Government, and also is more than anxious to reduce the violations of law committed in this country. This amendment will not only aid him as the chairman of the Committee on Appropriations in cutting down expenditures, but it will prove to be a source of revenue to the Government.

Mr. MADDEN. This would open up a new industry for employment, would it not?

Mr. FOWLER. Indeed, I might say it would open up a new industry of such magnitude as to give employment to all idle prosecutors of crime and give them an opportunity to earn their salaries. It will reveal graft in high places, locate the hiding places of big criminals, and expose the unlawful methods by which the Government has been robbed of millions. It will expose a picture of crime which will not only shock the wisdom of the gentleman from New York, but will astonish the world to know that such conduct has been tolerated. Its benefits to the country can not be estimated. The criminal only should oppose its adoption. The innocent should encourage it, for it will protect the Government and the citizen alike. Hideous grafter, how did you get rich quick? Where is your hiding place? Who are your allies? This amendment is able to answer all these questions.

The CHAIRMAN (Mr. GARRETT of Tennessee). The Chair sustains the point of order.

The Clerk read as follows:

Money laundry machines: For all miscellaneous expenses in connection with the installation and maintenance of money laundry machines, including repairs and purchase of supplies, for machines at Washington, D. C., and in the various subtreasury offices, \$9,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I wish the gentleman might give us some information about this item.

Mr. FITZGERALD. Mr. Chairman, about a year and a half or two years ago a machine was devised for the purpose of laundering Treasury notes so that they might be reissued instead of being destroyed. Those machines have been put into operation in several of the subtreasuries and some of them are in operation in the city of Washington. It was not found necessary to use as many as originally had been anticipated. They have reissued about 28,000,000 laundered notes in the past year, which is equivalent to 7,000,000 sheets of special paper, distinctive paper, purchased for Treasury notes. So far as they have been utilized the machines have been found to be very efficient, and their use has resulted in cleaner currency being kept in circulation, and has eliminated the necessity of engraving about twenty-eight to thirty million notes.

Mr. MANN. Mr. Chairman, we have carried an item in the legislative bill at different times, I think, for these expenses at the subtreasuries, have we not?

Mr. FITZGERALD. Mr. Chairman, this item was formerly carried in the legislative bill, and it was transferred to this bill this year so as to be carried in connection with the work of the printing and issuing of Treasury notes. The \$9,000 carried here is for the purchase of materials required in the operation of the machines, the peculiar chemical or soap, or whatever it is, that is used to wash the notes, and the oil and other materials necessary for the operations of the machines. They are not using the machines to full capacity, because the number of notes that have been turned in fit to be reissued has not been sufficiently large to justify laundering and reissuing, but they have been able to launder and reissue a number of notes that justifies the maintenance of the machine.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GOULDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R.

14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS as the conferees on the part of the Senate.

#### SUNDY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Distinctive paper for United States securities: For distinctive paper for United States securities, including transportation, traveling, laundry, and other necessary expenses, salaries for not more than 10 months of not exceeding 1 register, 2 assistant registers, 5 counters, 5 watchmen, and 1 skilled laborer, and expenses of officer detailed from the Treasury, \$400,000.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word in order to ask the Chairman a question about this paragraph. In line 18, among other items, there is one for laundry. What does that item mean? Is that for the laundry of the wearing apparel of these traveling men in the employ of the Government?

Mr. FITZGERALD. No; it is the laundering of the rags and cloths.

Mr. CULLOP. It does not read in that way. The item reads:

Including transportation, traveling, laundry, and other necessary expenses, salaries for not more than 10 months of not exceeding 1 register, 2 assistant registers, 5 counters, 5 watchmen, and 1 skilled laborer, and expenses of officer detailed from the Treasury, \$400,000.

I do not think that it is a necessary item of expense where some agent of the Government is traveling to pay his laundry expenses. His traveling expenses are paid and his board. If he were here in Washington, he would be on the same salary, and his laundry bill would not be any greater when he is away or any more reason why he should pay it. It is unfair to the Government and unjust to the people that we should pay his laundry bills, if that is what it means, and I think it does.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Yes.

Mr. MANN. Does the gentleman think the transportation there refers to individuals?

Mr. CULLOP. I am asking the Chairman. It says:

Including transportation, traveling, laundry, and other necessary expenses.

What else could it mean?

Mr. MANN. It says:

For distinctive paper for United States securities, including transportation, traveling, laundry,"

And so forth.

Mr. CULLOP. How would they pay the traveling expenses of distinctive paper? This item refers to what follows and not what precedes it, and clearly refers to the traveling expenses connected with certain named employees.

Mr. FITZGERALD. Oh, it includes some employees, too.

Mr. CULLOP. Certainly, it is employees. It refers to their expenses and nothing else; that is too plain for dispute.

Mr. FITZGERALD. These men are sent to the mill in Massachusetts where the paper is made. If the gentleman will pardon me for a moment, I will get the exact information.

Mr. GARNER. Mr. Chairman, while the gentleman is looking up that matter we might consider the question of transportation. In these bills somewhere is hidden authority, or at least so construed by the auditor for the various departments, to buy all of the automobiles necessary for every subhead there is in the Government, and the number of automobiles in this District used for purposes not intended by the Congress has become almost a public scandal.

Mr. FITZGERALD. There is a recent decision of the Comptroller of the Treasury which was printed in the hearings, if I recollect correctly, on the urgent deficiency bill, in which decision, citing a provision of the Revised Statutes requiring him to construe the word "vehicle" as covering every form of land transportation, he held that automobiles could be purchased.

Mr. BUCHANAN of Illinois. Mr. Chairman, I make the point of order of no quorum. I can only count—

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman's point of no quorum is dilatory. The gentleman made one a few moments ago.

Mr. BUCHANAN of Illinois. It has been over an hour ago, and I count only 30 Members in the Chamber.

Mr. MONDELL. Mr. Chairman, I hope the gentleman will withhold the point of order until we get this matter of dirty linen cleaned up.

The CHAIRMAN. The gentleman from Illinois makes the point of order there is no quorum present.



Mr. CULLOP. There seems to be a dispute over there as to whether there is any reference to dirty linen; the gentleman from Illinois seems to think not.

Mr. MANN. That is contrary to the ethics of the Democratic Party.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present, and the gentleman from New York makes the point of order that that point of order is dilatory. The bill is now being considered under the five-minute rule, and amendments are being offered and voted upon. The Constitution requires a quorum to do business, and the Chair stated yesterday afternoon—

Mr. MANN. Mr. Chairman, I simply wish to call the attention of the Chair, so he will have it correct in the Record, that the Constitution does not make any reference about the Committee of the Whole House on the state of the Union.

Mr. CULLOP. The rules of the House do that.

The CHAIRMAN. The rules of the House provide that, and I take it it is the spirit of the Constitution. The Chair yesterday sustained a point of order of a character similar to this while general debate was in progress, but when actual business is being done, with amendments being offered and voted upon, the Chair feels that the benefit of the doubt should be given to the point of no quorum, and therefore the Chair overrules the point of order made by the gentleman from New York, and the Chair will count. [After counting.] Sixty-seven gentlemen are present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alney	Fess	Kinhead, N. J.	Pou
Allen	Finley	Kirkpatrick	Riordan
Anderson	FitzHenry	Knowland, J. R.	Roberts, Mass.
Ansherry	Floyd, Ark.	Konop	Rogers
Anthony	Fordney	Korby	Rothermel
Austin	Francis	Kreider	Rucker
Avis	Gallagher	Lafferty	Sabath
Barchfeld	Gardner	Langham	Scully
Barnhart	George	Lazaro	Seldomridge
Bartholdt	Gerry	Lee, Ga.	Sells
Bell, Ga.	Gillett	L'Engle	Sharp
Borland	Glass	Leshner	Sherley
Bowdle	Goeke	Levy	Sherwood
Britten	Goldfogle	Lewis, Md.	Shreve
Brodbeck	Goodwin, Ark.	Lewis, Pa.	Sims
Broussard	Gordon	Lieb	Slayden
Brown, W. Va.	Gorman	Lindquist	Slemp
Browning	Graham, Ill.	Loft	Sloan
Bruckner	Graham, Pa.	Lonergan	Small
Burgess	Green, Iowa	McClellan	Smith, Md.
Burke, Pa.	Greene, Mass.	McCoy	Smith, Saml. W.
Calder	Griest	McDermott	Smith, Minn.
Callaway	Griffin	McGillcuddy	Smith, N. Y.
Cantrill	Guernsey	McGuire, Okla.	Smith, Tex.
Carew	Hamill	McKenzie	Sparkman
Carlin	Hamilton, N. Y.	Mahan	Stafford
Carter	Hamlin	Maher	Stanley
Casey	Hardwick	Manahan	Steenerson
Chandler, N. Y.	Hart	Martin	Stephens, Nebr.
Clancy	Hayes	Merritt	Stephens, Tex.
Clark, Fla.	Hedlin	Metz	Stevens, N. H.
Claypool	Helgesen	Miller	Stout
Cline	Helm	Montague	Stringer
Coady	Helvering	Moore	Targart
Copley	Hinebaugh	Morin	Talbot, Md.
Covington	Hobson	Murray, Mass.	Taylor, Ala.
Cramton	Houston	Neeley, Kans.	Taylor, Colo.
Crisp	Howard	Nelson	Towner
Crosser	Hoxworth	Nolan, J. I.	Tribble
Dale	Humphrey, Wash.	Norton	Tuttle
Danforth	Humphreys, Miss.	O'Brien	Underhill
Davenport	Igoe	Ozlesby	Vare
Decker	Jacoway	O'Hair	Volstead
Dies	Johnson, Ky.	O'Shaunessy	Wallin
Difenderfer	Johnson, Utah	Palge, Mass.	Watson
Doelling	Jones	Palmer	Webb
Doughton	Kahn	Parker	Whaley
Drukter	Kelster	Patton, N. Y.	Whitacre
Dunn	Kelley, Mich.	Patton, Pa.	White
Elder	Kelly, Pa.	Payne	Wilson, N. Y.
Estopinal	Kennedy, R. I.	Peters, Me.	Winslow
Evans	Kent	Peters, Mass.	Woods
Fairchild	Kless, Pa.	Peterson	Young, N. Dak.
Falconer	Kindel	Porter	Young, Tex.

The committee rose; and the Speaker having resumed the chair, Mr. BARTLETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 17041, finding itself without a quorum, under the rule he caused the roll to be called, and thereupon 218 Members answered to their names, a quorum, and he reported herewith the list of absentees to be entered upon the Journal.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, having under consideration the bill H. R. 17041, finding itself without a quorum, under the rule he caused the roll to be called; whereupon 218 Members, a quorum, answered to their names, and he presents herewith the list of absentees to

be entered upon the Journal. The committee will resume its sitting.

The committee resumed its sitting.

Mr. FITZGERALD. Mr. Chairman, in reply to the inquiry of the gentleman from Indiana [Mr. CULLOP], I desire to state that in 1910 in the preparation of the sundry civil bill for the fiscal year 1911 the Assistant Secretary of the Treasury, Mr. Norton, when before the committee, explained that the word "laundry" in the paragraph was for the purpose of paying for the laundering of towels used by the employees and the sheets and pillow cases used on the watchmen's beds.

We maintain special watchmen at the mill to guard everything in connection with the manufacture of this paper. They had been paying these expenses for 30 years out of this particular appropriation, when the Comptroller of the Treasury held that they were not allowable without specific authority. And in that year the word "laundry" was inserted in order to continue the payment for the laundering of towels, sheets, and pillowcases. It is not intended for the personal laundry of the employees.

Mr. CULLOP. I would like to ask the gentleman where this mill is situated?

Mr. FITZGERALD. It is located in Massachusetts, at Dalton.

Mr. GARNER. Can the gentleman from New York [Mr. FITZGERALD] state to the committee that no part of this appropriation is used for the purpose of paying the laundry of employees of the Government when they travel?

Mr. FITZGERALD. I can not say that, because I do not know whether under the ruling of the Comptroller of the Treasury laundry is allowable as a traveling expense. This wording was included in the provision to take care specifically of the expenses of the character indicated. So far as I am aware, it was never intended to be otherwise.

Mr. GARNER. It makes no difference what the intention of the committee is, if the committee authorizes the care of laundry for the Treasury Department, and it is used for that purpose, this committee ought to guard against the uses of money in a way not intended by Congress. The gentleman from South Carolina [Mr. JOHNSON] just remarked in an undertone that they had construed this language to mean for the payment of laundry used in traveling expenses.

Mr. JOHNSON of South Carolina. The "gentleman from South Carolina" did not say that, but the "gentleman from South Carolina" did say that where the traveling expenses of a Government employee are provided for they do allow laundry.

Mr. GARNER. Let me ask the gentleman from South Carolina if they use this language they could not pay the laundry bill of an employee out of this appropriation, because it says "including transportation, traveling, laundry, and other necessary expenses"?

Mr. FITZGERALD. Unless it is included under the word "traveling," it would not come, in my opinion, under "laundry." The Comptroller of the Treasury in ruling upon these questions invariably examines the record made before the committee which makes the appropriations, and does not permit, as a rule, money to be used for a purpose which it is clearly indicated was not contemplated when provisions were framed.

Mr. CULLOP. Mr. Chairman, if the gentleman from New York will permit, he will remember that some years ago—within the last three or four years—the question was up before the House on one of the appropriation bills, wherein it was claimed that some of the appropriations under the word "laundry" had been applied to paying the laundry bills of individuals, for the laundry of their personal wearing apparel. And if that is so, that is certainly an abuse of the appropriation and is diverting it to a purpose for which it was never intended. Now, would the gentleman have any objection to this kind of an amendment, namely, after the end of the paragraph insert:

*Provided, That no part of this appropriation shall apply to the payment of the private laundry bills of any of the employees or officials of this department.*

In my judgment, that would be appropriate, in order to prevent any abuse in this matter.

Mr. FITZGERALD. Well, I do not think it is necessary to attach it to this appropriation.

Mr. CULLOP. The gentleman will concede that as it now stands it is subject to this abuse? This would prevent any diversion of this fund from the purpose for which it is made.

Mr. FITZGERALD. No; I do not, unless they construe laundry to be a legitimate traveling expense; and if that be the decision of the Comptroller of the Treasury, there is no reason why the register and two assistant registers, five counters, five watchmen, and one skilled laborer employed at this particular place should have a rule applied to them that does not apply



to all Government officials who travel. It would be somewhat unfortunate to single them out.

Mr. CULLOP. The gentleman will concede, I suppose, that it ought to apply to all Government officials? You can not make such a construction of traveling expenses that would include the laundry of the wearing apparel of the individual. That is no part of the traveling expenses. To so construe it would be ridiculous.

Mr. FITZGERALD. They have construed as a legitimate charge under traveling expenses a charge for pressing trousers.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. CULLOP] has expired.

Mr. CULLOP. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent for five minutes more. Is there objection?

Mr. BUCHANAN of Illinois. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. FITZGERALD. Well, Mr. Chairman, I will ask for recognition in my own right.

The CHAIRMAN. The Chair understands the point of order is reserved upon the paragraph.

Mr. CULLOP. No; I moved to strike out the last word. That was the motion, instead of a point of order.

Mr. FITZGERALD. I ask to be recognized in opposition.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. I was calling the attention of the gentleman from Indiana to the fact that a few years ago a member of the Fine Arts Commission included in his account of traveling expenses an item for pressing several pairs of trousers. The item was submitted to the Comptroller of the Treasury twice. On the second occasion he held that it was a proper item of disbursement to come within the construction of the term "traveling expenses."

Mr. CULLOP. I will ask the gentleman from New York if he does not think that was very far-fetched for a statutory construction? It could not be approved.

Mr. FITZGERALD. I think perhaps that a member of the Fine Arts Commission would naturally have, as a necessary part of his traveling expenses, charges for the pressing of his trousers more frequently than I myself might find necessary. This word "laundry," however, is to cover the specific work to which I have called attention. I do not believe that it is necessary to add anything else. It covers sheets and pillowcases and towels of five watchmen and one skilled laborer, and five counters of distinctive paper and one register and his two assistants.

Mr. CULLOP. I would like to ask the gentleman from New York a question there, if he will permit. Are these watchmen employed in Washington, or are they employed in Massachusetts, at the place where this mill is located?

Mr. FITZGERALD. They are employed at the mill.

Mr. CULLOP. Then they are not sent from Washington?

Mr. FITZGERALD. I do not think so.

Mr. CULLOP. I would like to ask the gentleman from New York, in this connection, who are the men, and what are the positions they hold, who are sent up from this city to Massachusetts, where this mill is located, to superintend or look after this part of the Government's business?

Mr. FITZGERALD. I think, but I am not certain, that it is the register, his two assistants, and the five counters.

Mr. CULLOP. Then the five watchmen and the one skilled laborer mentioned in this paragraph are persons who live up there where the mill is located? Is that correct?

Mr. FITZGERALD. I think so, but I am not certain about it.

Mr. CULLOP. It seems to me, in the matter of economy in the administration of this branch of the Government work—

Mr. FITZGERALD. I think it is, but I did not inquire about it.

Mr. CULLOP. If they are employed up there in this character of labor, I think it would be a considerable saving to the Government. It would be an economy so far as the Government is concerned.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Compensation in lieu of moieties: For compensation in lieu of moieties in certain cases under the customs revenue laws, \$50,000.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the

bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and had come to no resolution thereon.

#### LEAVE OF ABSENCE.

Mr. DAVENPORT, by unanimous consent, was granted leave of absence, indefinitely, on account of important business.

#### ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11040. An act to carry out the findings of the Court of Claims in the case of James Harvey Dennls.

#### ALSTON G. DAYTON.

Mr. NEELEY of West Virginia. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman from West Virginia [Mr. NEELEY] rises to a question of privilege. The gentleman will state it.

Mr. MANN. I make the point of order, Mr. Speaker, that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not.

Mr. FITZGERALD. I move, Mr. Speaker, that the House do now adjourn.

Mr. MANN. I withdraw my point of order, Mr. Speaker.

Mr. NEELEY of West Virginia. Mr. Speaker, by virtue of my office as a Member of the House of Representatives I hereby impeach Alston G. Dayton, judge of the District Court of the United States for the Northern District of West Virginia, of high crimes and misdemeanors.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point that there is no quorum present, and the gentleman from New York moves that the House do now adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 6 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 10, 1914, at 12 o'clock noon.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 15533) granting public lands to the city and county of Denver, in the State of Colorado, for public park purposes, reported the same with amendment, accompanied by a report (No. 782), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOGUE, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (H. J. Res. 269) relating to the awards and payments thereon in what is commonly known as the Plaza cases, reported the same with amendment, accompanied by a report (No. 783), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 12464) providing for the expenditure of part of the unexpended balance of the appropriation of \$10,000, made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa., reported the same without amendment, accompanied by a report (No. 784), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASHBROOK, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 4899) to fix the standard barrel for fruits, vegetables, and other dry commodities, reported the same with amendment, accompanied by a report (No. 800), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DEITRICK, from the Committee on Military Affairs, to which was referred the bill (H. R. 12229) for the relief of Wil-



Ham A. Wallace, reported the same with amendment, accompanied by a report (No. 781), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 15557) for the relief of Anna Miller, reported the same with amendment, accompanied by a report (No. 785), which said bill and report were referred to the Private Calendar.

Mr. POUL, from the Committee on Claims, to which was referred the bill (H. R. 16578) for the relief of Frank P. Sammons, reported the same with amendment, accompanied by a report (No. 786), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 11062) for the relief of William E. Campbell, reported the same with amendment, accompanied by a report (No. 787), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10693) for the relief of the legal representatives of George W. Soule, reported the same with amendment, accompanied by a report (No. 788), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 10460) for the relief of Mary Cornick, reported the same with amendment, accompanied by a report (No. 789), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 14679) for the relief of Clarence L. George, reported the same with amendment, accompanied by a report (No. 790), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 8554) for the relief of George W. Trahey, reported the same with amendment, accompanied by a report (No. 791), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 4001) for the relief of Daniel J. Ryan, reported the same with amendment, accompanied by a report (No. 792), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 3430) for the relief of Lottie Rapp, reported the same with amendment, accompanied by a report (No. 793), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 16524) for the relief of the heirs of Benjamin S. Roberts, reported the same without amendment, accompanied by a report (No. 794), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 11199) for the relief of Joe T. White, reported the same with amendment, accompanied by a report (No. 795), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 13161) providing for the refund of certain additional duties collected on pineapples, reported the same without amendment, accompanied by a report (No. 796), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 11719) to reimburse D. Dale Condit, of the United States Geological Survey, of Washington, D. C., for moneys expended in the payment of a damage claim, reported the same without amendment, accompanied by a report (No. 797), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 7639) for the relief of Myron A. Brownlee, reported the same without amendment, accompanied by a report (No. 798), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 3954) for the relief of William E. Horton, reported the same without amendment, accompanied by a report (No. 799), which said bill and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. METZ: A bill (H. R. 17140) to revise and amend the laws relating to patents; to the Committee on Patents.

By Mr. DAVENPORT: A bill (H. R. 17141) to provide for the erection of a public building at Nowata, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17142) to establish public highways or roads along all section lines in the Seneca, Wyandotte, Ottawa, Eastern Shawnee, Peoria, West Miami, and Quapaw Tribe of Indians in the Quapaw Agency, in eastern Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. PARK: A bill (H. R. 17143) to increase the salaries of the United States district attorney and United States marshal and deputy marshals for the southern district of Georgia, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVENPORT (by request): A bill (H. R. 17144) to provide for the reimbursement to the emigrant Cherokees by blood for lands allotted to the negro freedmen (Cherokees) from the lands granted to the emigrant Cherokees by blood under treaty of 1835; to the Committee on Indian Affairs.

By Mr. McANDREWS: A bill (H. R. 17145) to enlarge the post office at Oak Park, Ill., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. THOMPSON of Oklahoma: A bill (H. R. 17146) to enlarge, extend, and remodel the Federal building located at Guthrie, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. WEBB: A bill (H. R. 17147) to amend section 195 of the act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. FOSTER: Resolution (H. Res. 536) providing for the consideration of sundry bills relating to Alaska; to the Committee on Rules.

By Mr. CANTRILL: Resolution (H. Res. 537) relative to the procedure in the consideration of House joint resolution 168; to the Committee on Rules.

By Mr. HOBSON: Joint resolution (H. J. Res. 277) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GILMORE: Memorial from the Massachusetts Legislature relative to the purchase of bunting for the manufacture of the United States flag; to the Committee on Naval Affairs.

By Mr. TREADWAY: Memorial from the Legislature of the State of Massachusetts relative to the purchase of bunting for the manufacture of the United States flag; to the Committee on Naval Affairs.

By Mr. THACHER: Memorial from the Legislature of the State of Massachusetts relative to the purchase of bunting for the manufacture of the United States flag; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 17148) granting a pension to William H. Miller; to the Committee on Pensions.

By Mr. COLLIER: A bill (H. R. 17149) reinstating Edgar N. Coffey to his former rank and grade in the United States Army; to the Committee on Military Affairs.

By Mr. CULLOP: A bill (H. R. 17150) granting an increase of pension to Charles H. Twomey; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 17151) for the relief of Carl Puckett; to the Committee on Indian Affairs.

By Mr. FIELDS: A bill (H. R. 17152) granting a pension to Martha L. Smith; to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 17153) for the relief of the Cheraw Lyceum, Cheraw, S. C.; to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 17154) for the relief of Dennis Shevlin; to the Committee on Military Affairs.

Also, a bill (H. R. 17155) for the relief of Charles Snow; to the Committee on Military Affairs.

By Mr. HAMMOND: A bill (H. R. 17156) renewing United States patent No. 551,055, issued to William Snure, of Lakefield, Minn., for bean-harvester, for a term of 17 years from date of its expiration; to the Committee on Patents.

By Mr. MAPES: A bill (H. R. 17157) granting a pension to Ernest J. Nichols; to the Committee on Pensions.

Also, a bill (H. R. 17158) granting an increase of pension to Alonzo L. Belcher; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 17159) granting a pension to John E. Jamison; to the Committee on Pensions.

Also, a bill (H. R. 17160) granting an increase of pension to David Sayer; to the Committee on Invalid Pensions.



By Mr. NEELY of West Virginia: A bill (H. R. 17161) granting an increase of pension to Andrew King; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 17162) granting a pension to Mary F. Treganowan; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 17163) for the relief of the State board of regents of the University of Idaho; to the Committee on Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 17164) granting a pension to Josephine Phillips; to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 17165) to redeem certain Spanish War documentary stamps from Edgar A. McAllister; to the Committee on Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 17166) granting a pension to Julia Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17167) granting an increase of pension to George W. Dowell; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: Resolution (H. Res. 535) authorizing the payment of \$1,200 to Norman E. Ives; to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of 76 female citizens of the States of Connecticut and Massachusetts, favoring the passage of House joint resolution 168, for national prohibition; to the Committee on Rules.

Also (by request), petition of the executive council of the American Federation of Labor, favoring the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also (by request), petition of 47 male citizens of the State of Connecticut favoring the passage of House joint resolution 168, for national prohibition; to the Committee on Rules.

Also (by request), resolutions signed by the pastors of certain churches in Colerain, Pa., and Gregory, S. Dak., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. AUSTIN: Memorial of sundry citizens of Harriman, Tenn., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. AVIS: Petition of the Central Methodist Episcopal Church, of Charleston, W. Va., favoring national prohibition; to the Committee on Rules.

By Mr. BELL of California: Memorial of the Arizona and California River Regulation Commission, favoring an appropriation of \$15,000 for a survey of the watershed of the Victor Valley in California; to the Committee on Rivers and Harbors.

Also, memorial of the Chamber of Commerce of Los Angeles, Cal., and the Arizona and California River Regulation Commission in regard to proposed San Carlos Dam in Arizona; to the Committee on the Public Lands.

By Mr. BORCHERS: Petitions of various legal voters of Decatur and Macon, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. BROWNING: Petition of 46 citizens of Camden, N. J., protesting against national prohibition; to the Committee on Rules.

By Mr. CANTOR: Petitions of sundry citizens of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. CARY: Petition of the Glass Bottle Blowers' Association, of Milwaukee, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. CURRY: Petitions of 54 citizens and residents of the third California district, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Fremont Park Presbyterian Church, of Sacramento, Cal., in favor of a constitutional amendment to prohibit polygamy; to the Committee on the Judiciary.

Also, petition of Mrs. Etta I. Finch, of Sacramento, Cal., and the Presbyterian Church of Danville, Cal., in favor of national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of Charles W. Goodman, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. DICKINSON: Petition of 448 citizens of the sixth district of Missouri, in favor of the national constitutional prohibition amendment; to the Committee on Rules.

By Mr. DILLON: Petition of sundry citizens of Lake County, S. Dak., protesting against national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of Local No. 15, Norwalk Hatters' Association, of the United Hatters of North America, protesting against national prohibition; to the Committee on Rules.

By Mr. DUNN: Petition of the Chamber of Commerce of Rochester, N. Y., protesting against the passage of the omnibus antitrust bill; to the Committee on the Judiciary.

By Mr. DYER: Petitions of Fred Ohme, Martin Fellhauer, Joseph Saettele, W. F. Kuerz, Frank Kuerz, Christ Beck, William Finn, Hermann Hartwig, George A. Vaccarezza, and F. B. Connolly, all of St. Louis, Mo., against national prohibition; to the Committee on Rules.

Also, petition of the Central Coal & Coke Co., of Kansas City, Mo., favoring House bill 15869, providing for 10 mining experiment stations; to the Committee on Mines and Mining.

Also, petition of the Woman's Prohibition League of Shreveport, La., favoring national prohibition; to the Committee on Rules.

Also, petition of the Commercial Club of Kansas City, Mo., relative to antitrust bill; to the Committee on the Judiciary.

Also, petitions of the Italian Chamber of Commerce of New York; Martin Fellhauer and George A. Vaccarezza of St. Louis, Mo.; and the National Association of Retail Grocers, against national prohibition; to the Committee on Rules.

By Mr. FINLEY: Papers to accompany a bill for the relief of the Cheraw Lyceum, Cheraw, S. C.; to the Committee on War Claims.

By Mr. GARNER: Memorial of the Chamber of Commerce of Dallas, Tex., relative to haste in the antitrust bills; to the Committee on the Judiciary.

Also, memorial of the Texas Grain Dealers' Association, favoring passage of House bill 14492, the grain grades act; to the Committee on Agriculture.

By Mr. GARRETT of Tennessee: Petition of 526 citizens of Kenton, Tenn., and sundry citizens of Troy, Tenn., favoring national prohibition; to the Committee on Rules.

By Mr. GREENE of Vermont: Petition of Fred W. Hall and 86 other residents of the first congressional district of Vermont, for national constitutional prohibition amendment; to the Committee on Rules.

By Mr. HAMILTON of New York: Petition of sundry citizens of Rushford, Wellsville, and Panama, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Falconer, N. Y., and the Woman's Christian Temperance Union of Rushford, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. HUMPHREY of Washington: Petitions of sundry citizens of King County, Wash., protesting against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Chehalis and Tacoma, Wash., protesting against national prohibition; to the Committee on Rules.

Also, petition of 41 young people of Marysville, Wash., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry business men of Lyle and Goldendale, Wash., favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Memorial of the Union Electric Supply Co., of Providence, R. I., favoring passage of House bill 13305, Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS of Maryland: Petition of Mr. F. William Seifers and 35 citizens of Allegany County, protesting against the passage of House resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of the Liquor Dealers' Association of Allegany County, Md., protesting against the House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. LONERGAN: Petition of Charles Gunther, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. McDERMOTT: Petition of the City Council of Chicago, Ill., favoring the passage of House bill 15733; to the Committee on Industrial Arts and Expositions.

Also, petition of Michael Kennedy, of Chicago, Ill., protesting against the passage of national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Memorial of the Department Encampment, Grand Army of the Republic, of Grand Island, Nebr., relative to bill to protect monuments on the battle fields of Bull Run, Va.; to the Committee on Military Affairs.



Also, petition of the united congregations of the Methodist Episcopal and Presbyterian Churches of Raymond, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. METZ: Petition of various voters of the tenth congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. MOTT: Petition of sundry citizens of the thirty-second congressional district of New York, against national prohibition; to the Committee on Rules.

By Mr. NEELY of West Virginia: Petitions of the Methodist Episcopal Church of Lumberport; the Woman's Christian Temperance Union of Wallace; the Odd Fellows' Lodge of Wallace; the Rebekah Lodge of Wallace; the Methodist Episcopal Church of Wallace; Lodge No. 172, Knights of Pythias, of Wallace; the Ladies' Aid Society of Wallace; and the Peora Sunday School, of Shinnston, all in the State of West Virginia, for national constitutional prohibition amendment; to the Committee on Rules.

By Mr. O'LEARY: Petitions of sundry citizens of Queens County, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Bible Class of the Methodist Episcopal Church of Springfield Garden, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petitions of Elizabeth Mills, Hills Grove, R. I., and Dexter Yarn Co., Pawtucket, R. I., against Edwards bill to prohibit importation of Egyptian cotton; to the Committee on Ways and Means.

Also, petitions of the Union Electric Supply Co., of Providence, R. I., and Charles M. Cole, Newport, R. I., favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Resolutions of the Chamber of Commerce, Los Angeles, Cal., favoring the proposed San Carlos Dam in Arizona; to the Committee on Irrigation of Arid Lands.

Also, letter from the Federation of Civil Service Employees of San Francisco, Cal., favoring House bill 12056, to regulate the hours of labor; to the Committee on Labor.

Also, resolutions of the Chamber of Commerce, Los Angeles, Cal., favoring Government acquisition of sufficient Mexican territory to place the Colorado River entirely within the boundaries of the United States; to the Committee on Foreign Affairs.

By Mr. REED: Petition of the Manchester (N. H.) Central Labor Union, signed by Joseph P. Kenney, president, and Thomas F. Thornton, recording-corresponding secretary, opposing national prohibition of the liquor traffic; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of Local No. 8, P. B. P. S. W. U., protesting against conditions in mines of Colorado; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Papers to accompany a bill (H. R. 17038) granting an increase of pension to Erskin Hawley; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: Papers to accompany House bill 2845, a bill for the relief of J. H. Milbourn; to the Committee on Invalid Pensions.

Also, resolution by the Trades and Labor Council of Kalamazoo, Mich., favoring Government ownership of natural resources, safeguarding lives and homes of Colorado mine workers, and forbidding importation of strike breakers; to the Committee on Mines and Mining.

By Mr. SMITH of Idaho: Petition of Mrs. Jennie Cortner and 128 other women of Payette, Idaho, urging the adoption of a resolution introduced by Mr. GILLET, of Massachusetts, to amend the Federal Constitution so as to prohibit polygamy in the United States; to the Committee on the Judiciary.

Also, petitions of various business men of Genesee, Boise, and Weiser, all in the State of Idaho, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petition signed by Charles S. Anderson and 434 postal employees at Los Angeles, praying Congress to pass an equitable law for the retirement of superannuated public servants; to the Committee on Reform in the Civil Service.

Also, resolution of East Hollywood (Cal.) Woman's Christian Temperance Union, 40 members, favoring national constitutional prohibition amendment; to the Committee on Rules.

Also, resolution of the Ministerial Union of Los Angeles, Cal., representing 100,000 adherents, favoring a national constitutional prohibition amendment; to the Committee on Rules.

Also, resolution of Humboldt Chamber of Commerce, protesting against undue haste in enacting antitrust legislation; to the Committee on the Judiciary.

Also, resolution of the Los Angeles Chamber of Commerce, favoring the San Carlos (Ariz.) Dam project; to the Committee on Irrigation of Arid Lands.

Also, petition of the advisory board of the Arizona and California river regulation commission, relative to appropriations for Victor Valley, Cal.; to the Committee on Rivers and Harbors.

Also, memorial of advisory board of the Arizona and California river regulation commission, relative to San Carlos Dam, in Arizona; to the Committee on Irrigation of Arid Lands.

By Mr. SWITZER: Petition of 75 voters of Oak Hill, Ohio, asking for the passage of House joint resolution 168, the constitutional prohibition amendment; to the Committee on Rules.

Also, protests of 28 citizens of Ironton, Ohio, against House joint resolution 168, the constitutional prohibition amendment; to the Committee on Rules.

Also, protests of 48 citizens of Portsmouth, Ohio, against House joint resolution 168, the constitutional prohibition amendment; to the Committee on Rules.

Also, protests of 636 citizens of Portsmouth, Ohio, against House joint resolution 168, the constitutional prohibition amendment; to the Committee on Rules.

Also, petition of 1 citizen of Manchester, Ohio, and 2 citizens of Stout, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petitions, letters, and postals from 300 citizens of the cities of Albany, Troy, Watervliet, Cohoes, and the county of Albany, all in the State of New York, petitioning against the Hobson prohibition measure; to the Committee on Rules.

By Mr. TUTTLE: Petitions of the Temple Baptist Christian Endeavor Society, the Netherwood Christian Endeavor Society, Young Peoples' Society of Christian Endeavor of the Seventh Day Baptist Church, all of Plainfield; sundry citizens of Wharton, and 898 of Dover, all in the State of New Jersey, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry voters of the fifth congressional district of New Jersey, protesting against national prohibition; to the Committee on Rules.

Also, petition of Plainfield Lodge, No. 167, International Association of Machinists, of Plainfield, N. J., favoring passage of Senate bill 5303, relative to extension of Federal locomotive boiler inspection; to the Committee on Interstate and Foreign Commerce.

## SENATE.

WEDNESDAY, June 10, 1914.

(Continuation of the legislative day of Friday, June 5, 1914.)

The Senate met at 11 o'clock a. m. on the expiration of the recess.

The PRESIDING OFFICER (Mr. SWANSON in the chair). The Senate resumes the consideration of House bill 14385, which is the unfinished business.

### PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Martine, N. J.	Smith, Mich.
Bankhead	Goff	Myers	Smith, S. C.
Borah	Gronna	Nelson	Smoot
Brady	Hitchcock	Norris	Sterling
Braudette	James	O'Gorman	Stone
Bristow	Johnson	Overman	Sutherland
Bryan	Jones	Page	Swanson
Burleigh	Kenyon	Perkins	Thomas
Burton	Kern	Pomerene	Thornton
Chamberlain	Lane	Saulsbury	Townsend
Chilton	Lea, Tenn.	Shafroth	Vardaman
Clapp	Lewis	Sheppard	Weeks
Clark, Wyo.	Lodge	Sherman	West
Colt	McCumber	Shively	White
Culberson	McLean	Simmons	Williams
Dillingham	Martin, Va.	Smith, Ga.	Works